LOK SABHA DEBATES

(Part I—Questions and Answers)

VOLUME VII, 1955

(21st November to 23rd December, 1955)

ELEVENTH SESSION, 1955

(Vol. VII contains Nos. 1 to 26)

LOK SABHA SECRETARIAT
NEW DELHI

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Block 'G'
Acc. No. 2549.6.
Dated 11.02.2

LOK SABHA

Thursday, 1st December, 1955

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

बुन्देलखण्ड रेलवे लाईन

*३१३. **श्री एम० एल० द्विवेदी** : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या बुन्देलखण्ड में भरुआ सुमेरपुर और हरपालपुर के बीच एक नई रेलवे लाइन बनाने के लिये सर्वेक्षण किया गया था;

(ख) यदि हां, तो कब;

(ग) इस नई रेलवे लाइन पर कार्य को रोकने तथा अब तक निलम्बित रखने के क्या कारण हैं; और

(घ) इस योजना को आरम्भ करने के बारे में वर्तमान स्थिति क्या है ?

रेलवे तथा परिवहन मंत्री के सभा सचिव (श्री शाहनवाज खां) (क) और (ख) जी हां, हरपालपुर और भरुआ सुमेरपुर के बीच लाइन निकालने के लिये १९२६–२७ में एक यातायात सर्वे (Traffic Survey) किया गया था ।

(ग) आर्थिक दृष्टि से वह लाइन बनाना ठीक न समझा गया ।

(घ) दूसरी पंचवर्षीय योजना में रेल की नयी लाइनें बनाने के लिये उत्तर प्रदेश सरकार ने अब जो सिफारिश की है उस में

सुमेरपुर से छतरपुर के बीच रेल की लाइन बनाने की सिफारिश भी शामिल है । भरवा सुमेरपुर-हरपालपुर का हिस्सा इस लाइन का एक भाग होगा । दूसरी पंचवर्षीय योजना में बनायी जाने वाली रेलवे लाइनों का चुनाव करते समय इस योजना पर भी उचित ध्यान दिया जायगा ।

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि भरवा सुमेरपुर और हरपालपुर रेलवे लाइन जिस का सर्वे पहले हो चुका है उस को पंचवर्षीय योजना में शामिल करने के लिये रेलवे मंत्रालय ने सिफारिश की है या नहीं ?

श्री शाहनवाज खां : अभी तक तो हम ने जो सूबाई हुकूमतें हैं उन से सिफारिशें मांगी हैं । जो जो सिफारिशें हमारे पास प्रान्तीय सरकारों ने भेजी हैं उन पर रेलवे मिनिस्ट्री गौर कर रही है ।

श्री एम०एल० द्विवेदी : क्या संसदीय सचिव यह बतला सकेंगे कि जो पहले जांच पड़ताल की गयी थी उस में कितना व्यय अनुमानित था ?

श्री शाहनवाज खां : पहली लाइन जिस का सन् १९२६-२७ में सर्वे किया गया था वह लाइन भरवा सुमेरपुर से हरपालपुर तक ६८ मील लम्बी थी और उस के ऊपर ४७,५०,९०० रुपये का खर्च होने का एस्टीमेट आया था ।

श्री एम० एल० द्विवेदी : क्या मैं जान सकता हूं कि यह जो क्षेत्र है वह गेहूं और अन्न की उपज में बहुत ज्यादा सरप्लस है । यदि हां, तो क्या रेलवे मंत्रालय यह आवश्यक

नहीं समझता कि जहां गेहूं और अन्न की उपज ज्यादा है वहां पहले रेलवे लाइन निकाली जाये बनिस्बत इस के कि बनी हुई जगहों पर ज्यादा काम किया जाये ?

श्री शाहनवाज खां : जो सिफारिशें रेलवे मंत्रालय के पास प्रान्तीय सरकारों ने भेजी हैं उन पर बड़ी हमदर्दी से गौर करेगा ।

अखिल भारतीय चिकित्सा संस्था, नई दिल्ली

*३१५. **श्री श्री नारायण दास** : क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) अखिल भारतीय चिकित्सा संस्था का भवन बनाने के बारे में तथा स्नातकोत्तर चिकित्सा प्रशिक्षण तथा वहां की जाने वाली गवेषणा के लिये सामान प्राप्त करने के सम्बन्ध में अब तक क्या प्रगति हुई है;

(ख) इस प्रशिक्षण को देने के लिये, तथा गवेषणा कार्य को करने के लिये उपयुक्त व्यक्तियों की सेवाओं को प्राप्त करने के सम्बन्ध में क्या कार्यवाही की गई है;

(ग) क्या इस कार्य के लिये विदेशी विशेषज्ञों की आवश्यकता होगी;

(घ) यदि हां, किस शाखा विशेष के लिये; और

(ङ) ऐसे विशेषज्ञ कितने होंगे ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) संस्था के मुख्य भवन के First Phase के निर्माण के लिये टेंडर आ चुके हैं और उन की जांच की जा रही है । लगभग १४.३८ लाख रुपये की कीमत equipments के लिये DirectorGeneral of supplies and disposal के पास indents भेजे गये हैं ।

(ख) संस्था के शिक्षा और अनुसन्धान संबंधी भिन्न-भिन्न पदों पर भर्ती के लिये १२ नवम्बर, १९५५ को एक Advertisement निकाला गया था ।

(ग) से (ङ) जब तक योग्य भारतीय मिलते रहेंगे कोई विदेशी expert नियुक्त नहीं किया जायेगा ।

श्री श्री नारायण दास : क्या मैं जान सकता हूं कि इस संस्था के निर्माण के लिये कोई अलग संगठन कायम किया गया है, या स्वास्थ्य मंत्रालय की ओर से ही काम किया जा रहा है ?

राजकुमारी अमृत कौर : जी हां, इस के लिये एक अलग कमेटी मुकर्रर कर दी गयी है जो मेरी मिनिसट्री के नीचे काम करती है ।

श्री श्री नारायण दास : क्या मैं जान सकता हूं कि गवेषणा और प्रशिक्षण के लिये प्रबन्ध करने के लिये सरकार की ओर से कोई अलग कमेटी बनी है या वही कमेटी काम करती है ?

राजकुमारी अमृत कौर : वही कमेटी है और उस के नीचे और सब-कमेटीज हैं जिन में एक्सपर्टस् बुलाये जाते हैं और वह ट्रेनिंग का काम देखते हैं ।

श्री एम० एल० द्विवेदी : मैं यह जानना चाहता हूं कि इस संस्था में केवल ऐलोपैथक सिस्टम के बारे में ही कार्य होगा अथवा भारतीय तमाम किस्म के सिस्टमों पर भी काम होगा ?

राजकुमारी अमृत कौर : इस में केवल माडर्न मैडीसिन का काम होगा ।

Shri T. S. A. Chettiar: What are the subjects in which post-graduate training is expected to be opened?

Rajkumari Amrit Kaur : Post-graduate training will be opened in practically every subject. But next year we actually hope to start post-graduate training in orthopaedic surgery in the first instance.

खाद्यान्नों के मूल्य

*३१६. **श्री अमर सिंह डामर :** क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या देश में खाद्यान्नों के मूल्यों में स्थिरता लाने के लिये सरकार के पास कोई योजना है; और

(ख) यदि हां, उस का ब्योरा क्या है और यह योजना किस सयम तक कार्यान्वित की जायेगी ?

कृषि मंत्री (डा० पी० एस० देशमुख): (क) तथा (ख). जी, हां। गेहूं, चने, चावल धान तथा मोटे अनाजों के भावों को सहारा देने वाली योजना पहले से ही चालू है। इस योजना के अधीन सरकार काश्तकारों से रेल हेड केन्द्रों पर गेहूं १० रुपये मन, चना ६ रुपये मन, चावल ११ रुपये मन, बाजरा ६ रुपये मन तथा ज्वार और मकई ५ रुपये ८ आने मन के हिसाब से खरीदती है जब कभी भाव इस स्तर से नीचे गिरते हैं।

श्री अमर सिंह डामर : क्या यह योजना सारे देश में लागू है ?

डा० पी० एस० देशमुख : जी हां, जैसा कि मैं ने बतलाया है, जहां जहां हम ने प्राइस सपोर्ट दिया है वहां पर हम ने रेल हैड पर खरीदा है ।

पंडित डी० एन० तिवारी : नीचे की सीमा तो निर्धारित कर दी गई है कि अगर दस रुपये या ६ रुपये मन से कम हो तो गवर्नमेंट प्राइस सपोर्ट देगी। मैं जानना चाहता हूं कि क्या ऊपर की सीमा भी निर्धारित कर दी गई है कि ज्यादा दर होने पर कोई सबसिडी दी जायेगी ।

डा० पी० एस० देशमुख : अभी ऐसी नौबत नहीं है। अभी तो भावों के नीचे गिरने की ही नौबत है। एक समय था जब ऊपर की तरफ दरें जा रही थीं जब कि ऊपर की सीमा मुकर्रर की गयी थी।

श्री विभूति मिश्र : जो एरिया रेलवे स्टेशनों से बीस, पच्चीस या तीस मील दूर है वहां के किसानों को सरकार क्या सहायता देती है ?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन): राज्य सरकारों को इस बात का अधिकार दे दिया गया है कि वहां गल्ला खरीद लें और रेल हैड पर लाकर केन्द्रीय सरकार ने जो दर मुकर्रर की है उस पर बेच दें ।

Posts and Telegrphs Offices in Andaman and Nicobar Islands

*317. **Shri S. C. Samanta :** Will the Minister of **Communications** be pleased to state:

(a) how many Posts and Telegraphs offices have so far been opened since 1947 and how many more are proposed to be opened (with locations) upto the end of the First Five Year Plan in the Andaman and Nicobar Islands;

(b) how many of the postal staff in the Islands belong to the mainland;

(c) what efforts have been made to recruit the staff from the Islands; and

(d) whether any examination for recruitment is proposed to be held in the Islands?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) to (d). A statement is laid on the Table of the Lok Sabha [*See* Appendix III, annexure No. 1].

Shri S. C. Samanta : In the statement I find no mention of telegraph offices. May I take it that there is no telegraph office there?

Shri Raj Bahadur : There is one wireless station which functions as departmental telegraph office at Port Blair. Besides this there are police wireless offices at Myabandar and Car Nicobar which accept telegrams for onward transmission to Port Blair which flashes the messages to the points of destination. Similarly, the incoming telegrames are received through the Port Blair office.

Shri S. C. Samanta : In reply to part (b) of the question the hon. Minister has mentioned in the statement that twenty-two persons are employed there from the mainland. May I know what is the total staff there?

Shri Raj Bahadur : The total staff is thirty-five, including six vacant posts.

Shri Bhagwat Jha Azad : What is the frequency of delivery of mails between the three islands, the Northern Andamans, Middle Andamans and Southern Andamans; what is the system carried out for delivery?

Shri Raj Bahadur : I cannot exactly give the number of deliveries from the various post offices, because that is absolutely a local matter.

Shri Bhagwat Jha Azad : I want the frequency of delivery between the three islands. What is the system adopted for carrying the mails between the North, middle and south Andamans?

Shri Raj Bahadur : As regards post offices which are connected by land route the mails are conveyed by means of runners or other means of transport, and as regards those which are connected by sea by means of boat transport.

Shri Bhagwat Jha Azad : What is the frequency?

Shri Raj Bahadur : If that means frequency of mails between the world and these islands then I would like to have notice.

Shri A. M. Thomas : May I know within how many days letters posted from the mainland reach the Andamans and *vice versa*?

Shri Raj Bahadur : About a week's or 14 days' time so far as I know, because that depends upon the steamer or boat Service traffic.

श्री एम० एल० द्विवेदी : इस बात को ध्यान में रखते हुए कि अब एडमान्स और भारत के बीच हवाई सर्विस जारी हो गयी है, क्या सरकार डाक व्यवस्था भी हवाई जहाज द्वारा करने पर विचार कर रही है ?

श्री राज बहादुर : मैं यह निश्चित रूप से नहीं कह सकता कि हवाई सर्विस शुरू हो गयी है । उसके लिए भी प्लेन्स की आवश्यकता है जो मेरी जानकारी में अभी शुरू नहीं हुई है ।

Holiday and Convalescent Homes

*319. **Dr. Satyawadi** : Will the Minister of **Health** be pleased to refer to the reply given to Starred Question No. 96 on the 26th July, 1955 and lay a statement on the Table of the House showing :

(a) the details of the scheme for providing Holiday and Convalescent Homes for Central Government Servants; and

(b) the financial implications thereof?

The Minister of Health (Rajkumari Amrit Kaur) : (a) and (b). It has since been decided that the scheme should be dropped.

Howrah-Burdwan Electrification Scheme

*320. **Shri T. B. Vittal Rao** : Will the Minister of **Railways** be pleased to state:

(a) whether the electrification of Howrah-Bandal-Burdwan Section is progressing according to Schedule; and

(b) the further steps Government propose to take to expedite the work?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Yes, Sir.

(b) All efforts are being made to adhere to the scheduled date.

Shri T. B. Vittal Rao : May I know on how many miles of track electrification has been completed out of a total mileage of 262 miles?

Shri Shahnawaz Khan : It has not yet been completed on any stretch so far.

Shri T. B. Vittal Rao : If it is not completed so far, may I know whether trains will run from the middle of 1957 as scheduled before?

Shri Shahnawaz Khan : Yes, Sir I might explain that the length of railway line now anticipated to be electrified is 88 miles and it will cost Rs. 11.48 crores. The orders for rolling-stock and the sub-station electric equipment have been placed. We hope that by the scheduled time, the first train will start running.

Shri T. B. Vittal Rao : May I know whether the electricfication up to Moghulsarai *via* Grand Chord line will have to be kept pending till the completion of this scheme?

The Minister of Railways and Transport (Shri L. B. Shastri) : Yes, Sir.

Shri T. B. Vittal Rao : In that case how do you propose to transport increased goods as a result of the industrial development in the Second Five Year Plan?

Shri L. B. Shastri : The goods have to be transported without that full line beng electrified. We are trying to increase

the capacity in other ways. Of course, electrification cannot be completed in a short time; it is a big programme and will have to be done by phases.

Railway Catering

*322. **Shri Dabhi** : Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1720 on the 14th September, 1955 and state:

(a) whether arrangements for the sale to passengers of food packets containing *Puries* vegetables etc. of good quality at a moderate price have since been made on the various stations of the Western Railway; and

(b) if so, the nature of the arrangements?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) Yes; at Ratlam and Baroda stations.

(b) Food packets each containing 4 *puries* weighing approximately 2 chhataks, with sufficient quantity of vegetables and pickles are sold at 4 annas per packet.

Shri Dabhi : May I know whether these arrangements will be made at other stations also and whether these arrangements are being made departmentally or through some contractors?

Shri Shahnawaz Khan : At present, these times are being sold by contractors. But, our experience is that the contrcators are not very happy selling foodstuffs at such cheap rates. We are not getting what you might term maximum co-operation. Therefore, in order to achieve really good results we will have to wait until departmental catering is introduced at these stations.

Shri Dabhi : How long will it take for the department to take it over?

Shri Shahnawaz Khan : We hope that very early from 1st April, 1956 we will introduce departmental catering at certain stations in these railways.

Shri Kasliwal : May I know whether these *puries* are being fried in ordinary ghee or vanaspati ghee?

Shri Shahnawaz Khan : Dalda, Sir.

श्री कुल्लाचार्य जोशी : क्या मैं जान सकता हूं कि इसी तरह से इडली और सांबर का इंतजाम सदर्न (दक्षिण) रेलवे पर किया जायेगा?

रेलवे तथा परिवहन मंत्री (श्री एल० बी० शास्त्री) : सदर्न रेलवे पर तो बहुत काफी इंतजाम पहले ही हैं और वहां पर तो ३ आने में यह पैकेट मिलता है।

Oil Pollution of Sea

*323. **Ch. Raghubir Singh** : Will the Minister of **Transport** be pleased to state:

(a) the main recommendations of the conference held in London in 1954 for the prevention of pollution of the sea by oil discharged from ships; and

(b) how far they have been accepted by Government?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) A statement is laid on the Table of the Lok Sabha [*See* Appendix III, annexure No. 2].

(b) The question of ratification of the international Convention for the prevention of Pollution of the Sea by oil, adopted at the conference is now under the consideration of Government in consultation with the interests concerned.

Ch. Raghubir Singh : May I know which countries took part in this Conference?

Shri Alagesan : I do not have a list of the countries that took part in this Confernce; many countries should have taken part.

Ex-Servicemen

*324. **Shri Krishnacharya Joshi** : will the Minister of **Food and Agriculture** be pleased to state:

(a) the total number of *ex*-servicemen who received training in the States Basic Agricultural Schools under the orders of his Ministry during 1955; and

(b) how many trainees have been posted as village Level Workers?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) and (b). The information is being collected and will be laid on the Table of the Lok Sabha in due course.

Shri Krishnacharya Joshi : May I know how this selection is being made for training?

Dr. P. S Deshmukh : I do not think there is any special effort made to get the *ex*-servicemen. All that we propose to find out is if any *ex*-servicemen have been taken.

Telegraph Offices in Darbhanga

*327. **Shri L. N. Mishra** : Will the Minister of **Communications** be pleased to state:

(a) whether it is a fact that the opening of some telegraph offices in the District of Darbhanga (Bihar) has been sanctioned;

(b) if so, the places where they are to be opened and the date of their opening; and

(c) the reasons for the delay if any in their opening after they had been sanctioned?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) Yes.

(b) 1. Ghoghradiha.

2. Khutauna.

3 Kusheshwar Asthan

4. Ladenia.

5. Laukaha.

6. Laukahi.

7. Madhepur.

8. Madhwapur

9. Phulparas.

10. Singhia.

Most of them are expected to be opened by March, 1956.

(c) Supply of wooden poles and other stores.

I apologise for possible mistake in the pronounciation of these names.

Shri L. N. Mishra : May I know whether these offices are sanctioned on the condition that the people will arrange the accommodation for the offices or will the department get the accommodation?

Shri Raj Bahadur : They have been sanctioned in accordance with the policy of the department to open telegraph offices at thana headquarters in such States where there are no tehsil headquarters.

Shri L. N. Mishra : May I know what is the special reason for not opening these offices; is it want of accommodation? I may mention the case of Ghoghradiha in particular.

Shri Raj Bahadur : In such cases it may be on population basis. For delay in opening the telegraph offices, accommodation is not the reason. The main reason is that the required number of wooden poles which have to be obtained from Kosi project authorities have not been forthcoming. There has been a shortage of stores of all kinds and on account of that there has been some delay. But, we hope by the end of the financial year, the telegraph office will be functioning at the place mentioned by him.

Opening of a station between Jalalpur and Sasamusa

*328. **Shri Jhulan Sinha:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 685 on the 10th December, 1954 and state:

(a) whether any decision has since been taken with regard to the opening of a new station between Sasamusa and Jalalpur Stations on the Savan-Gorakhpur loop line of the North Eastern Railway; and

(b) if so, the nature of the decision?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Yes.

(b) The proposal to open a flag station has not been accepted as it was not found justified.

However, a fresh proposal to open a halt to be worked by a contractor is under examination.

Shri Jhulan Sinha: May I know if the Government have been apprised of the proposal of the local people to make all compensation on their behalf if the Government sustains any loss on account of opening the halt there?

Shri Shahnawaz Khan: The matter of opening the halt is under active consideration.

स्थानीय स्वायत्त शासन

*३२९. **श्री भक्त दर्शन** : क्या स्वास्थ्य मंत्री २६ जुलाई, १९५५ को दिये गये तारांकित प्रश्न संख्या १०९ के उत्तर के सम्बन्ध में बताने की कृपा करेंगी कि :

(क) क्या स्थानीय स्वायत्त शासन के सम्बन्ध में प्रशिक्षण देने के लिये भारतीयों को विदेशों में भेजने सम्बन्धी योजना पर अब तक कोई अन्तिम निर्णय कर लिया गया है;

(ख) यदि हां, तो क्या योजना की प्रति सभा के टेबल पर रखी जायेगी, और

(ग) इस योजना के अन्तर्गत प्रत्येक राज्य से कितने व्यक्ति प्रशिक्षण के लिये विदेशों को भेजे गये हैं और वे किन किन देशों को भेजे गये हैं ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर) : (क) जी, नहीं । इस बारे में अभी विचार हो रहा है ।

(ख) और (ग). ये प्रश्न नहीं उठते ।

श्री भक्त दर्शन : क्या माननीय मंत्राणी जी को याद है कि एक वर्ष से अधिक का समय हो गया कि प्रान्तों से इस सम्बन्ध में आवेदन पत्र मांगे गये थे, तो मैं जानना चाहता हूं कि जब कि यह योजना तैयार ही नहीं हुई थी, या उस पर अन्तिम निर्णय नहीं हुआ था, तो क्यों इस के बारे में आवेदन पत्र मांगे गये और क्यों देरी हो रही है ?

राजकुमारी अमृत कौर : बात दरअसल यह है कि गवर्नमेंट आफ इंडिया ने इस सवाल को एक साल हुआ उठाया था और एपलीकेशंस मांगी गई थीं, वह एपलीकेशंस आई भी और एक कमेटी बिठाई गई और लोग चुने भी गये जिन को बाहर भेजने का इरादा था । इस के बाद फाइनेन्स मिनिस्ट्री से हम ने कहा कि कोलम्बो प्लान के मातहत इन को नहीं भेजा जा सकता है । अब हमारी होम मिनिस्ट्री की एक योजना है जिस के मातहत लोग बाहर भेजे जा रहे हैं और अब हम देख रहे हैं कि क्या उस योजना के नीचे हम इन लोगों को बाहर भेज सकते हैं ।

श्री भक्त दर्शन : अभी माननीय मंत्राणी जी ने बतलाया कि कुछ व्यक्तियों की इस के लिये छांट लिया गया था, मैं जानना चाहता हूं कि वह कितनी संख्या में छांटे गये थे और इस सम्बन्ध में अन्तिम निर्णय कब तक कर लिये जाने की आशा की जा सकती है ?

राजकुमारी अमृत कौर : १०६ एप्लीकेशंस आई थीं और १४ कैंडीडेट्स चुने गये थे, अब मैं यह नहीं कह सकती हूं कि कितना वक्त अभी होम मिनिस्ट्री के साथ खतोकिताबत करने में गुजरेगा ?

श्री श्री नारायण दास : क्या मैं जान सकता हूं कि कौन से ऐसे देश हैं जहां इस तरह की शिक्षा का हिन्दुस्तान से ज्यादा प्रबन्ध है ?

राजकुमारी अमृत कौर : लोकल सैल्फ गवर्नमेंट एडमिनिस्ट्रेशन का मसलन् यू० के० में बहुत ज्यादा प्रबन्ध है क्योंकि वहां की गवर्नमेंट लोकल सैल्फ के कामों में बहुत दिलचस्पी लेती है । अमरीका में भी इस क्षेत्र में बहुत दिलचस्पी दिखाई जाती है । इस के अलावा आस्ट्रेलिया वगैरह और भी बहुत से ऐसे देश हैं जहां से कि हम को इस विषय में जानकारी मिल सकती है ।

श्री एम० एल० द्विवेदी : क्या मैं जान सकता हूं कि .....

Mr. Speaker : I go to the next Question.

Coal Mines Welfare Organisation

*330. **Pandit D. N. Tiwary**: Will the Minister of **Labour** be pleased to refer to the reply given to Starred Question No. 1650 on the 9th September, 1955 and state:

(a) the important recommendations made by the two officers of his Ministry deputed to study the working of the Coal Mines Welfare Organisation; and

(b) which of them have been accepted and are being implemented?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The study group has been formed to find out the needs of the Coal Mines Welfare Fund Organisation from time to time and to make suggestions for better utilization of the funds at the disposal of the Organisation. The group has made several important suggestions, such as, construction of houses by the Fund, improvement of multipurpose Centres, extension of schooling facilities, improvement of hospitals and dispensary services and several other measures which will help the working classes in the coalfields. Several of these suggestions have already been implemented.

Others are under continuous examination and it is hoped that these will be put into force.

Pandit D. N. Tiwary: May I know which of these suggestions have been implemented so far?

Shri Abid Ali: Most of the suggestions, I have said, have been accepted. It will not be possible to give a detailed list here.

Pandit D. N. Tiwary: May I know whether the arrangements for baths and creches that were prevalent have been recommended to be withdrawn?

Shri Abid Ali: No, Sir.

Pandit D.N. Tiwary: Is it a fact that Assistant Inspectors in charge of the inspection of coal mines have been designated otherwise and are not scheduled to work there but given other work?

Shri Abid Ali: Assistant Inspectors in coal mines have different functions and have nothing to do with the Coal Mines Welfare Organisation. They are under the Chief Inspector of Mines.

Shri Jaipal Singh: May we have the names of the personnel that constituted the study group together with their specific qualifications for the task?

Shri Abid Ali: (1) Shri S. P. Singh, I.A.S., Coal Mines Welfare Commissioner, Dhanbad.

(2) Shri S. N. Mubagi, Deputy Central Provident Fund Commissioner, New Delhi.

(3) Dr. S.T. Merani, Ph., D., I.A.S, Deputy Secretary, Ministry of Labour, New Delhi.

Shri Jaipal Singh: May I know why there is no medical member in this particular study group.

Shri Abid Ali: His inclusion in this group was not considered necessary.

चीनी के कारखाने

*३३२. **श्री विभूति मिश्र** : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या विभिन्न राज्यों में समस्त चीनी के मिल मालिकों ने गन्ने का मूल्य दे दिया है जो कि उन्होंने १९५४–५५ में गन्ना उत्पादकों से खरीदा था;

(ख) यदि नहीं, तो कौन से चीनी के मिलों को गन्ना उत्पादकों को अभी मूल्य देना बाकी है; और

(ग) उन्हें कुल कितनी रकम देनी है?

कृषि मंत्री (डा० पी० एस० देशमुख) : (क) जी, नहीं।

(ख) और (ग). पूछी हुई जानकारी का एक विवरण सभा के टेबिल पर रख दिया गया गया है। [देखिये परिशिष्ट ३, अनुबन्ध संख्या ३].

श्री विभूति मिश्र : उल्लिखित विवरण को देखने से मालूम होता है कि बिहार में ६·८० लाख रुपया, यू० पी० में ४८·२२ लाख रुपया, आंन्ध्र में १५·१६ लाख रुपया मैसूर में एक मिल में ही ३·५८ लाख रुपया, और हैदराबाद में २·०६ लाख रुपया, और कुल मिला कर देश के विभिन्न भागों में ८१·६३ लाख रुपया मिल वालों के यहां किसानों का बाकी है। मैं मंत्री महोदय से जानना चाहता हूं कि यह जो सारा रुपया किसानों का बाकी है वह किसानों को जल्दी से जल्दी मिल जाये इस के लिये सरकार क्या इन्तजाम कर रही है?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन) : अगर हिसाब लगाया जायेगा तो पता चलेगा कि जो बाकी रुपया है वह कुल का १·३ प्रतिशत है। यह कोशिश की जा रही है कि इस रुपये को जल्दी से जल्दी अदा कराया जाये और राज्य सरकारें इस के लिये प्रयत्न कर रही हैं।

श्री विभूति मिश्र : मैं देखता हूं कि बकाया की जो लिस्ट सरकार की तरफ से पेश की गई है वह पहली नवम्बर तक की है। अब इसी दिसम्बर महीने से मिलें चालू होंगी। एक साल किसानों का पैसा मिल मालिकों के यहां पड़ा रहा। सारे बकाया काहिसाब देखने से यह पता जरूर चलता है कि वह १·३ प्रतिशत है, लेकिन जिन किसानों का पैस

बाकी होगा वह तो सब ही बहुत मुसीबत में होंगे । तो क्या सरकार कोई अवधि निश्चित करेगी कि उन गरीबों को उन का रुपया फलां तारीख तक मिल जाना चाहिये ।

श्री ए० पी० जैन : सरकार समझती है कि ऐसी कोई स्थिति पैदा नहीं हुई है ।

Shri Bishwa Nath Roy: May I know whether there is any proposal before the Government for paying interest to sugarcane growers who have to get the price of sugarcane from the factories.

Shri A. P. Jain: The terms of supply are contained in the bond and the provisions of the bond will govern the relations between the cane supplier and the mill.

पंडित डी० एन० तिवारी : क्या सरकार को मालूम है कि मिल वाले जो रुपया काश्तकारों को ऐडवान्स देते हैं उस पर वह सूद लेते हैं । तो जब काश्तकारों को रुपया देने पर सूद लिया जाता है तो काश्तकारों को जो रुपया बाकी है उस पर उन को सूद क्यों नहीं मिलता ?

श्री ए० पी० जैन : मैं ने तो यह नहीं कहा कि सूद नहीं मिलता । इस का पता बोर्डस् के जो टर्म्स हैं उन से चलेगा ।

पंडित डी० एन० तिवारी : उस में सूद नहीं है ।

Mr. Speaker: We will go to the next question.

Plastic Surgery

*333. **Shri D. C. Sharma:** Will the Minister of **Health** be pleased to state the steps being taken to promote plastic surgery in India?

The Minister of Health: (Rajkumari Amrit Kaur): An Australian Plastic Surgeon was invited to visit India early this year to demonstrate new techniques in Plastic Surgery in important teaching centres. Three Scholarships were awarded to medical graduates for training in Plastic Surgery, in 1947-48.

No other special steps are being taken by the Government of India for the promotion of Plastic Surgery, as such, apart from what is being done for the improvement of Medical Education including general surgery of which Plastic Surgery is a branch.

Shri D. C. Sharma: May I know how many medical institutions were visited by this Australian visiting professor and the number of lectures and demonstrations given by him at each of these centres?

Rajkumari Amrit Kaur: Dr. Rank visited Calcutta, Nagpur and Delhi. He performed 33 operations and he delivered 20 lectures during his stay in India for about five weeks.

Shri D. C. Sharma: May I know to what countries the doctors selected for training in plastic surgery have been sent and what is the duration of their training course there?

Rajkumari Amrit Kaur: I am afraid I have not got the information as to where these graduates went and for how long they stayed.

श्री एम० एल० द्विवेदी : मैं जानना चाहता हूं कि जो शिक्षार्थी विदेश गये थे उन्होंने क्या शिक्षा हासिल की और इस देश में आकर उन्हों ने क्या काम किया ?

राजकुमारी अमृत कौर : स्कालर्स जो गये थे उन को खास तौर से प्लास्टिक सर्जरी में शिक्षा मिली है और कोई स्कालर ऐसा नहीं जाता जो यहां नौकर न हो ।

श्री एम० एल० द्विवेदी : यह मेरे प्रश्न का उत्तर नहीं हुआ ?

Mr. Speaker: Whatever reply is given is there.

Jute Production

*334. **Shri B. K. Das:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) how far the programme for the production of quality jute laid down for this year has been implemented; and

(b) the results obtained therefrom?

The Minister of Agriculture (Dr. P. S. Deshmukh): (a) and (b). Information is being collected and will be placed on the Table of the Lok Sabha, when it is ready.

Shri B. K. Das: May I know how much grant for loan has been made to the State Governments for this purpose?

Dr. P. S. Deshmukh: I am afraid I have not got the information here.

श्री विभूति मिश्र : अब अगला जूट के बोने का समय आ रहा है । क्या सरकार इस का कोई इन्तजाम कर रही है कि किसानों को अच्छी क्वालिटी का बीज सुविधा से मिल जाये ?

डा० पी० एस० देशमुख : अच्छे जूट के बीज का इन्तजाम तो हम कर रहे हैं ।

Shri L. N. Mishra: The expert committee which was appointed to make certain recommendations regarding the improvement of the quality of Indian jute had recommended the provision of jute retting tanks and jute seed multiplication farms. May I know whether any of these tanks have been provided anywhere, especially in Bihar and Bengal?

Dr. P. S. Deshmukh: I would require notice.

Shri B. K. Das: May I know whether any seed multiplication farm has been started anywhere?

Dr. P. S. Deshmukh: It is part of the scheme to start at least one in Bihar. Steps are being taken to do that.

Locomotives

*335. **Shri M. S. Gurupadaswamy:** Will the Minister of **Railways** be pleased to state how the cost of a Chittaranjan Locomotive compares with that of imported ones?

The Deputy Minister of Railways and Transport (Shri Alagesan): The estimated cost of a WG locomotive being produced at Chittaranjan for 1955-56 is about Rs. 4.81 lakhs excluding interest charges while the estimated landed cost of a similar type of imported locomotive is Rs. 5.25 to 5.50 lakhs.

Shri M. S. Gurupadaswamy : May I know whether the Government is taking any steps to bring down the cost of production of Indian locomotives?

Shri Alagesan: That is borne out by the fact that now the cost has come down. Once it was more than the imported price and now it is much less than the imported price. As and when production increases the overhead charges etc. for locomotives get diminished and the price has been steadily going down.

Shri S. V. Ramaswamy: In view of the fact that the production is proposed to be increased from 120 locomotives to 200 locomotives per annum, may I know how that will reflect in the cost of locomotives?

Shri Alagesan: In fact the greater the production the cost should be less. We had fixed a target of 120 locomotives. That target, I am glad to say, has already been reached. From the beginning of this year we have been producing at the rate of 10 locomotives per month up to June. In July, August and September we were able to produce at the rate of 11 locomotives per month. In fact the target is going to be put up to 300 locomotives. The authorities in charge of the Chittaranjan locomotive workshop have been asked to submit schemes.

Shri M. S. Gurupadaswamy: May I know whether the Government is maintaining a Cost Accountant at Chittaranjan?

Shri Alagesan: I should think so.

Shri Sarangadhar Das: In view of the fact that the Chittaranjan Factory has been producing locomotives for several years now, may I know how is it that the actual cost of a locomotive is not known and the Minister replies that the estimated cost minus interest is the cost of a locomotive?

Shri Alagesan: I gave the price.

Mr. Speaker: The point is, the hon. Minister gave an approximate figure. He wants to know how is it that inspite of four years' working the exact cost is not given?

Shri Alagesan: It is more or less exact.

नल कूप

*३३६. **श्री के० सी० सोधिया** : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या चालू वर्ष के आय-व्ययक में "विदेशी परामर्शदाता के कर्मचारी" शीर्ष के अधीन व्यय के लिये कोई रकम नियत की गई है ;

(ख) यदि, हां तो कितनी;

(ग) क्या यह संगठन नल कूप योजना से सम्बन्धित है; और

(घ) यदि हां, तो कहां तक तथा उसका स्वरूप क्या है ?

कृषि मंत्री (डा० पी० एस० देशमुख) :

(क) जी, हां ।

(ख) १६,२३,००० रुपये ।

(ग) और (घ): विदेशी परामर्शदाता कर्मचारी एक्सप्लोरेटरी ट्यूबवैल संगठन

को जो जमीन के नीचे पानी के पता की योजना का कार्य कर रही है, सलाह और टैक्नीकल तरीके की मदद देती है ।

श्री के० सी० सोधिया : मैं जानना चाहता हूं कि इसमें कितने विज्ञेषज्ञ हैं ?

Dr. P. S. Deshmukh: I have not got the exact figure.

The Minister of Food and Agriculture (Shri A. P. Jain): There is one senior executive officer, one Resident Engineer and some advisory and field personnel.

श्री के० सी० सोधिया : यह किन किन देशों से मंगाये गये हैं ।

श्री ए० पी० जैन : यू० एस० ए० से ।

श्री के० सी० सोधिया : ट्यूबवैल एक्सप्लोर करने की कौन सी स्टेज पर उन की सलाह मांगी जाती है ?

श्री ए० पी० जैन : यह इन, इन स्टेट्स में लगेंगे, मध्य प्रदेश, भूपाल, कच्छ, सौराष्ट्र, त्रावनकोर कोचीन, मद्रास, वैस्ट बंगाल, बिहार, आसाम, राजस्थान, पंजाब, पेप्सू, यू० पी० इत्यादि ।

श्री के० सी० सोधिया : मेरा सवाल यह था कि ट्यूबवैल को एक्सप्लोर करने की कौन सी स्टेज के ऊपर इन से मदद मांगी जाती है ?

श्री ए० पी० जैन : शुरू से ही यह लोग मदद करते हैं ।

सेठ अचल सिंह : क्या माननीय मंत्री जी यह बतलाने की कृपा करेंगे कि यू० पी० में कौन कौन से स्थानों पर एक्सप्लोरेटरी ट्यूबवैल लगेंगे ?

श्री ए० पी० जैन : यू० पी० में ४७ ट्यूबवैल लगेंगे, किन किन स्थानों पर यह लगेंगे, यह तो मैं नहीं बतला सकता ।

प्लेटफार्म टिकट

*३३८. **श्री भागवत झा आजाद :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या परीक्षणात्मक रूप में किसी स्टेशन पर बिजली से चलने वाले प्लेट फार्म टिकट बांटने वाली किसी मशीन का प्रयोग किया जा रहा है; और

(ख) यदि हां, तो कब से और कहां ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां) : (क) जी, हां ।

(ख) दिल्ली जंक्शन पर ७ फरवरी १९५५ से और बम्बई विक्टोरिया टर्मिनस पर २३ जुलाई १९५५ से ।

श्री भागवत झा आजाद: इतने दिनों तक इन मशीनों को चलाने के बाद क्या मैं जान सकता हूं कि क्या अनुभव प्राप्त किया गया है, क्या फलाफल निकला है ?

श्री शाहनवाज खां : बहुत तसल्लीबख्श रही हैं ।

Shri Bhagwat Jha Azad: As usual the hon. Parliamentary Secretary has given an inadequate answer. May I know if he will explain his answer? As usual his answer is vague.

श्री शाहनवाज खां : अगर तसल्लीबख्श आनरेबल मैम्बर की समझ में नहीं आता है तो संतोषजनक समझ लें ।

श्री भागवत झा आजाद : आनरेबल पार्लियामेंटरी सेक्रेटरी की शब्दावलि के बारे में मुझे विशेष ज्ञान है और मैं चेलेंज करता हूं और मैं जानना चाहता हूं कि आप ने जो तसल्लीबख्श कह कर अधूरा आंसर दिया है इस का क्या अर्थ है । इतना पैसा जो सरकार ने इन मशीनों पर खर्च किया है, मैं जानना चाहता हूं कि इस का फलाफल क्या निकला है, इस को जरा विस्तार से बतायें ।

श्री शाहनवाज खां : बहुत अच्छा साहब, सुन लीजिये इस का फलाफल । जो मशीन दिल्ली स्टेशन पर लगाई गई है उस की कीमत ४,१०० रुपये है । ३,३०० रुपया तो प्रिंटिंग में बचता है और १००० रुपया सालाना स्टाफ के ऊपर बचता है ।

श्री भागवत झा आजाद : मैं जानना चाहता हूं कि कुछ स्टेशनों से यह मशीनें वापस भी ले ली गई हैं, यदि हां, तो कितनों से ?

श्री शाहनवाज खां : हावड़ा स्टेशन में इस की देखभाल की गई थी लेकिन अभी उस को रिजैक्ट नहीं किया गया है ।

Employees Provident Fund Scheme

*339. **Shrimati Maydeo:** Will the Minister of **Labour** be pleased to state:

(a) the resolutions passed by the Central Board of Trustees of the Employees Provident Fund Scheme in their meeting held on the 18th July, 1955 in New Delhi;

(b) who presided over the meeting; and

(c) how many of these resolutions are acceptable to Government?

The Deputy Minister of Labour (Shri Abid Ali): (a) No specific resolutions were passed by the Board of Trustees at their meeting held on the 18th July, 1955. The meeting was specially convened to discuss the following two items:—

(1) Amendments proposed to the Employees' Provided Funds Scheme, 1952.

(2) Total exemption of Provident Fund under the Employees' Provident Funds Act from the payment of Inome-tax.

(b) Shri Vishnu Sahay, I.C.S. Secretary, Ministry of Labour, who is the Chairman of the Central Board of Trustees of the Employees' Provident Fund.

(c) The recommendations made by the Central Board of Trustees are at present under active consideration of Government.

Shrimati Maydeo: May I know who are the members of the Board and what is the method of selection?

Shri Abid Ali: This is a tripartite Board. Representatives of Government and employers' and employees' orgnisations are members of the Board. The method of selection is that the organisations concerned are invited to send their representatives.

Shri T. B. Vittal Rao: May I know what are the peculiar difficulties confronting the Government in accepting the recommendations made by this Board of Trustees because already six months have elapsed since they made their recommedations?

Shri Abid Ali: There are no difficulties. We have not rejected the recommendations. I said that these are being examined. Various departments have to go through these recommendations and we have also to invite comments of the State Governments and the organisations concerned.

Shrimati Maydeo: May I know how many employees and from what enterprises have begun enjoying the benefits of the Employees' Provident Fund Scheme?

Shri Abid Ali: 15,32,000 employees have begun to enjoy the benefits of this scheme.

Shri T. B. Vittal Rao: On the Board of Trustees as it is constituted there are representatives of both the employers and the employees and also representatives of the Government. Therefore, may I know where does the question of othe r difficulties and further examination arise?

Shri Abid Ali: Their comments are to be invited on whatever amendments are to be made to the scheme. That is the procedure. Also, comments of the State Governments who are very much concerned in this matter are to be invited.

Detention of Trains

*341. **Shri Bishwa Nath Roy:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that trains on the North Eastern Railway are often detained at stations between Gorakhpur and Chhapra owing to the crossing of different trains; and

(b) if so, whether Government propose to have a double track between those two stations on the main line?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) Information is being collected and will be laid on the Table of the House.

(b) At present there is no proposal to have a double track between these two stations.

Shri Bishwa Nath Roy: May I know whether the Government have any records showing the detenion of trains at the stations owing to crossing of other trains which are not due according to the time-table of that Railway?

Shri Shahnawaz Khan: I should like to have notice for giving a more detailed answer to this question.

Shri Bishwa Nath Roy: May I know whether the attention of the Government has been drawn to the fact that the trains between Gorakhpur and Chupra often run very late against the timings put down in the time-table?

Shri Shahnawaz Khan: It is a single line between Chupra and Gorakhpur and it is true that trains are sometimes detained, but we are trying our level best to avoid that sort of thing by introducing some crossing stations and improving the marshalling yards. All that is being done now.

Pandit D. N. Tiwary: May I know whether the information that is being collected will also include the causes of delay due to the lapses of the staff there?

Shri Shahnawaz Khan: When ascertaining the cause of detention to trains, we ask for all the detail including the lapses of the staff.

Railway Bridges

*342. **Shri Ibrahim:** Will the Minister of **Transport** be pleased to state:

(a) whether the Government of India have sanctioned any loan to the local bodies or other road authorities in various States to meet the share of the cost of construction of over or under-bridges proposed to be built in place of the existing road-rail level crossings; and

(b) if so, the amounts of loan (State-wise) and their terms and conditions?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes, Sir.

(b) A statement giving the necessary information is laid on the Table of the Lok Sabha. [*See* Appendix III, Annexure No. 4].

Shri Ibrahim: May I know whether the number of accidents caused every year are due to the absence of over-bridges or under-bridges in the place of the existing road-rail level crossings in the country?

Shri Alagesan: A number of accidents, of course, have been caused at the fevel crossings. As for the responsibility for an over-bridge or an under-bridge in the place of a level crossing, it is a sort of dual responsibility. Unless the State Government or the local authority concerned comes forward to bear its share of the cost, we cannot have an over-bridge or an under-bridge. It is to facilitate the State Governments to meet their share of the cost that this loan has been arranged.

Shri Ibrahim: Is there any loan quota for the different States?

Shri Alagesan: We are considering the proposals as and when they come.

Shri S. V. Ramaswamy: How many schemes are being put forward by the States for over-bridges and under-bridges and what proportion of these schemes will these loans meet, and may I also know the principles on which the priorities are fixed for these schemes?

Shri Alagesan: We have asked the State Governments to submit the schemes in the order of priority. It was the State Governments that divided these schemes into priority No. 1 and priority No. 2 etc., and we are trying to give loans.

Shri K. G. Deshmukh: In the list which has been given in the statement accompanying the answer to this question. I find the name of Madhya Pradesh missing I want to know whether the Government of Madhya Pradesh have not asked for the loan or whether it is due to the absence of proper works in that State.

Shri Alagesan: I am afraid Madhya Pradesh is one of those Governments which have not come forward with any proposal for assistance.

Mr. Speaker: He wants to know the reasons, whether it is due to the absence of any schemes there or not.

The Minister of Railways and Transport (Shri L. B. Shastri): They have intimated that the local bodies were not in a position to take such loans.

Marshalling Yards on N. E. Railway

*343. **Shri Anirudha Sinha:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that delay in transit of goods and frequent operational restrictions in North Bihar section of North-Eastern Railways are due to the inadequate capacity of marshalling yards at important junctions; and

(b) if so, what steps are being taken to improve the situation?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan): (a) It is true that due to inadequate capacity

in marshalling yards at some important junctions in North Bihar, detention to goods in transit has occasionally taken place and operational restrictions have had to be imposed.

(b) Provision of additional facilities for reducing terminal and marshalling yard detentions and to handle increased traffic is receiving urgent attention. Some works have already been undertaken and more major remodelling works have been included in the Second Five Year Plan.

Shri Anirudha Sinha: Is it a fact that transport difficulties in the metre gauge section of the North Eastern Railway in Bihar have gradually increased and that such difficulties were not experienced even in war-time?

Shri Shahnawaz Khan: We are not aware of any increase in the transportation difficulties, but it is well known to everybody that due to unprecedented floods certain difficulties have been created. The Railway Ministry is fully aware of the transport difficulties of North Bihar regions and it is only for that matter that the bridge at Mokameh Ghat is being constructed, and we hope that by the time when the bridge is completed, the difficulties will be over.

Shri Anirudha Sinha: Do the Railway Ministry realise that the development of line capacity will not help Bihar very much so long as the marshalling yards capacity at various junction points in North Bihar is not expanded, and as such, may I enquire whether the marshalling yard capacity at Chupra, Sonepur, Muzaffarpur, Samastipur, Darbhanga, Barauni and Katihar is going to be expanded soon?

Shri Shahnawaz Khan: That matter is receiving the very earnest attention of the Government and the remodelling of marshalling yards at Katihar, Muzaffarpur, Samastipur and Darbhanga is under consideration. The remodelling of Barauni junction yard is also now being undertaken.

Shri L. N. Mishra: Just now the Parliamentary Secretary said that he is not aware of any increase in the bottleneck there. May I know whether any complaint has been received by the Railway Ministry regarding the shortage of wagons supplied to the jute growers in Bihar, and if it is so, what steps have been taken to improve the situation?

Shri Shahnawaz Khan: In fact, the complaint about the shortage of wagons is not confined merely to Bihar. It is almost a general complaint throughout India. That is due to the shortage of our rolling-stock. We are trying our very best to secure more wagons. The hon. Member is also aware that a large number of wagons on the North-Eastern Railway are being utilised in connection with the Kosi Project.

Employment Exchange Training Organisation

*345. **Shri Gidwani:** Will the Minister of **Labour** be pleased to state:

(a) whether the Public Accounts Committee have suggested in their Fifteenth Report the desirability of evolving a scheme for better follow-up of trainees immediately after their discharge from the training centres;

(b) if so, whether that suggestion has been considered by Government; and

(c) what is the decision arrived at by Government?

The Deputy Minister of Labour (Shri Abid Ali): (a) Yes.

(b) and (c). The suggestion is under consideration.

Shri Gidwani: May I know whether the Ministry of Works, Housing and Supply, the Ministry of Railways, the Ministry of Defence and the Posts and Telegraphs Department, in consultation with the Ministry of Labour have examined the proposal to insert a mandatory clause in all the contracts within their purview so that the vacancies could be notified to the Employment Exchanges as suggested by the Public Accounts Committee and, if so, what is the decision?

Shri Abid Ali: I do not think any amendment has been made to the terms of the contract on this basis, but the experience is that the trainees who pass from the centres are very much in demand and they get employment quickly.

Shri Gidwani: What was the total number of jobs secured by job seekers through the agency of Employement Exchanges during the years 1954 and 1955?

Shri Abid Ali: If he gives separate notice, I shall supply the information.

Shri Gidwani: When will the suggestion made by the Public Accounts Committee regarding the first question which I put, be considered and a decision arrived at?

Shri Abid Ali: It will be done very soon.

Telco Locomotives and Boilers

*346. **Dr. Ram Subhag Singh:** Will the Minister of **Railways** be pleased to state:

(a) whether the prices quoted by the TELCO, Tatanagar for the supply of locomotives and boilers during the period March 31, 1955 to April 1, 1956, are higher than the prices quoted for these materials during the corresponding period of 1954-55;

(b) whether the prices quoted are also higher than those quoted by foreign firms;

(c) if so, whether Government have accepted the prices quoted by the TELCO for buying locomotives and boilers during the said period of 1955-56 under the 1947 agreement of the Railway Board and the Tata and Sons Ltd.; and

(d) if not, what steps Government have taken or propose to take to find out the reasonableness of the prices quoted?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (b) A statement is laid on the Table of the House. [*See* Appendix III, Annexure No 5].

(c) No.

(d) The matter has been referred to the Tariff Commission for a price enquiry and for recommendations for economy in locomotive manufacture.

Dr. Ram Subhag Singh: In the statement it is mentioned that the price of YP locomotives during the development period was Rs. 5,82,000 and the price of **XC** boilers was Rs. 3,62,000 and that of YD boilers was Rs. 2,05,000. But immediately after that period, the price of locomotives went up to Rs. 6,54,000 and that of boilers also went up similarly and during that very period the prices of imported locomotives and boilers were much lower. May I know why the Government paid so much extra price to the TELCO, though according to the agreement they were not supposed to pay that large amount?

Shri Alagesan: There are two periods with reference to the manufacture of locomotives and boilers by TELCO. One was the development period which lasted up till January, 1954 in the case of boilers and June, 1954 in the case of locomotives. During the development period, as per agreement, we had to pay only the actual cost of production, though we were paying much less than that and putting that extra cost in a separate fund. The amount from that fund also has been paid now. But when the price period began, *i.e.*, after the dates I have mentioned as per agreement, we have to pay 7 per cent more as profit on the capital employed by the company. That is why the hon. Member finds that the prices that we have been paying later are higher than the prices that we have been paying earlier. It is true that this price which is asked for at present by the TELCO is about twice the imported price. Perhaps the hon. Member might be aware that the Chairman of the TELCO in his speech mentioned that he himself was a little puzzled at this high cost. Since we have not agreed to pay this higher price, we have referred the whole matter to the Tariff Commission.

Dr. Ram Subhag Singh: The hon. Deputy Minister said that according to the agreement the Government is supposed to pay 7 per cent more than the actual price towards profits and he himself admitted that the prices that were paid by the Government were much more than 7 per cent. May I know whether that was the procedure laid down in the agreement of 1947 or was no procedure laid down in that agreement?

Shri Alagesan: The hon. Member has not caught me right. I said that during the development period only the actual cost of production was paid and when the 'price' period began we had to pay, as per the agreement, 7 per cent more as the profit element. This was the price that has been fixed by TELCO as per that agreement, but we have not agreed to pay this higher price. Therefore, we have referred the matter for enquiry by the Tariff Commission.

Shri C. D. Pande: In view of the fact that in the corresponding period the price of locomotives in Chittaranjan has gone down whereas in the Tata it has gone up, may I know why the Government paid a higher price knowing fully well that TELCO was costlier?

Shri Alagesan: As the hon. Member has pointd out, the actual results show that Government manufacture has been less costly than the manufacture in the private sector at least as far as locomotives are concerned.

Shri C. D. Pande: My question was

Mr. Speaker: Order, order. It is matter of argument and inference. I am going to the next question.

Own Your Wagon Movement

*347. **Shri A. N. Vidyalankar:** Will the Minister of **Railways** be pleased to state:

(a) what has been the progress in regard to 'own your wagons' moveme so far;

(b) the number of wagons so far owned by private agencies or traders; and

(c) whether Government have found this scheme popular among the traders?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The 'own your wagon' proposal was fully examined but it was not found desirable to accept it as a general proposition. The scheme has consequently been dropped.

(b) and (c). Do not arise.

Sugar

*349. **Babu Ramnarayan Singh:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) the increased capacity for the sugar production on account of expansion of existing factories and installation of new factories;

(b) the up-to-date installed capacity of sugar factories and the proportion of the installed capacity to the estimated supply of cane in 1955-56 season; and

(c) what will be the position of demand and supply in 1956?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) 6.49 lakh tons of sugar per annum including 2.71 lakh tons by expansions in 46 existing units and 3.78 lakh tons by installation of 37 new sugar factories.

(b) Installed capacity 15.9 lakh tons of sugar per annum. This is capable of crushing about 26 per cent of the estimated supply of sugarcane in a season of 120 days.

(c) The demand is estimated at about 18 lakh tons as against the total supply of about 22 lakh tons of sugar including carry over from 1954-55 season.

बाबू रामनारायण सिंह : पुराने चीनी के कारखानों की जैसा कि आप कहते हैं काम करने की ताकत बढ़ गई है और कुछ नये चीनी के कारखाने भी बनाये गये हैं, तो जाहिर है कि पहले से और अधिक ऊख की जरूरत होनी चाहिये, तो मैं जानना चाहता हूं कि क्या इस अतिरिक्त ऊख की उपज के वास्ते कारखानों की तरफ से कोई प्रबन्ध हुआ है?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन) : इस साल पिछले साल की बनिस्बत १० फीसदी गन्ना ज्यादा है।

बाबू रामनारायण सिंह : जब चीनी अधिक पैदा हुई है तो उस के हिसाब से चीनी के दाम में और ऊख के दाम में कुछ फर्क पड़ेगा या नहीं?

श्री ए० पी० जैन : ऊख का दाम तो दूसरे हिसाब से लगाया जाता है।

Shri Kasliwal : May I know whether in view of the increased capacity of the sugar factories, Government propose to stop import of sugar for next year?

Shri A. P. Jain : Government have no idea of importing any more sugar during next year.

Survey of Kadur-Chikmagalur-Sakleshpur Line

*350. **Shri Siddananjappa** : Will the Minister of **Railways** be pleased to state:

(a) whether survey of the proposed Kadur-Chikmagalur-Sakleshpur Railway line on the Southern Railway has been ordered; and

(b) if so, whether it relates to the line passing through Belur or Madigere or both?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shah Nawaz Khan) : (a) Yes Sir.

(b) Survey has been ordered for both the alternative routes *via* Belur and Modigere.

Indian Red Cross Society

*351. **Shri Kamath** : Will the Minister of **Health** be pleased to refer to the reply given to Starred Question No. 2440 on the 30th September, 1955 and state:

(a) whether the investigation of complaint has since been completed; and

(b) if so, with what result?

The Minister of Health (Rajkumari Amrit Kaur) : (a) and (b) The Red Cross Society have since decided not

to make any enquiry into the complaint as it is already before the Das Commission of enquiry.

Shri Kamath : The question asked on the last occasion during the last session referred to a complaint made to the Government—State Government or Central Government. Has that complaint been withdrawn?

Rajkumari Amrit Kaur : The complaint was made to the State Branch of the Red Cross. The State Branch referred the complaint to the District Headquarters and asked them to make an enquiry. The District Headquarters have since written to say that,

> " In view of the fact that we have no independent machinery for conducting enquiries of this nature and that the matter is *sub judice* before the Commission of Enquiry and the case of that particular student is also being represented by lawyers, it will not be wise for the State Branch to carry out any enquiry."

Shri Kamath : May I know....

Mr. Speaker : Order, order. I am going to the next question.

Sugar Factories in Orissa

*352. **Shri Sanganna** : Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 1508 on the 6th September, 1955 in respect of establishment of new sugar factories in Orissa and state:

(a) whether any decision has since been arrived at; and

(b) if so, what are the results?

The Minister of Agriculture (Dr. P. S. Deshmukh) : (a) and (b). No decision has been taken on the application of M/s Orissa Agriculture Industries Ltd., for setting up a sugar factory at Paradwip, as the lease of land taken by the applicant for growing sugarcane has been set aside under the Orissa Estates Abolition Act. The matter is under further reference to the State Government.

Another application from M/s. Cotton Agents Ltd., received for the establishment of a sugar factory at Baragarh Railway Station Sambalpur has since been recommended by the State Government and is under examination.

Shri Sanganna : In para 136 of the Karve Report on village and small-scale industries it has been suggested that the matter of development of village and small-scale industries must be taken into acco unt. May I know whether this has been done by the Government?

The Minister of Food and Agriculture (Shri A. P. Jain) : This question relates to the setting up of a sugar factory and not of *khandsari* or *gur*. Of course, in giving licence, we have taken into account the fact whether sufficient quantity of sugarcane is available.

The Orissa Agriculture Industries Ltd., represented that they had about 9000 or so acres of land on which they wanted to grow sugarcane. That is now in dispute. It is reported that action has been taken under the Orissa Estates Abolition Act. We have made further enquiry as to whether this land would be available to them.

Shri Sanganna : My I know....

Mr. Speaker : Order, order. The Question hour is over.

WRITTEN ANSWERS TO QUESTIONS

Telephone Exchanges and P. C. O.s

*314. **Sardar Hukam Singh** :
Shri Bahadur Singh :

Will the Minister of **Communications** be pleased to state :

(a) the present policy regarding opening of new Exchanges and P.C.O.s pursued in respect of sub-divisional towns or tehsils; and

(b) the number of District and sub-divisional towns that have no telephonic facilities at present?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) Public Call Offices are opened in sub-divisional towns on loss basis, subject to the aggregate loss not exceeding certain limits. No loss is allowed for tehsil stations, where Public Call Offices can be opened only if the proposals are remunerative. Telephone exchanges can be opened in sub-divisional towns or tehsils only if they do not involve any loss to Government.

(b) District towns . . 15
Sub-Divisional towns . 172

Ticketless Travel

*318. **Chaudhuri Muhammed Shaffee:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 222 on the 29th July, 1955 and state :

(a) whether it is a fact that a cent per cent checking scheme has been introduced in Delhi and Ferozepore Division of Northern Railway; and

(b) if so, since when?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) and (b) No; not on all trains and on all days. But since February 1955, such checks are being conducted on each section separately during selected periods, so as to cover, ultimately, all sections, one after the other.

International Farm Youth Exchange Programme

*321. **Shri N. Rachiah** :
Shri Radha Raman :

Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that another batch of Indian farm boys and girls is to be sent to U.S.A., in April 1956 under the International Farm Youth Exchange Programme;

(b) if so, the number of boys and girls in the batch;

(c) the State from which they have been selected; and

(d) the duration of their stay in U.S.A.

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Yes.

(b) 23 boys and 14 girls.

(c) Does not arise as the selection has not yet been made.

(d) Six months.

Flood Damage to Railways

*325. **Shri G. L. Chaudhary** : Will the Minister of **Railways** be pleased to state:

(a) the extent of damage caused to Railways due to recent floods in U.P.; and

(b) the number of daily train services suspended during the floods?

The Parliamentary Secretary to the Minister of Railways and Transport. (Shri Shahnawaz Khan) : (a) Due to floods in the U.P., the following sections were affected and some damage caused to Railway property;

Northern Railway

(*i*) Fyzabad-Moghalsarai

(*ii*) Allahabad-Fyzabad

(*iii*) Sultanpur-Lucknow

(*iv*) Sultanpur-Jaunpur.

North-Eastern Railway

(*i*) Aunrihar-Bhatni

(*ii*) Gorakhpur-Gonda

(*iii*) Bareilly-Kathgodam

(*iv*) Budwa-Chandanchowki

(*v*) Gorakhpur-Chittauni Ghat.

Detailed information is being collected and will be laid on the Table of the House.

(b) 30.

National Highways

*326. **Shri N. M. Lingam** : Will the Minister of **Transport** be pleased to state:

(a) the criteria observed for according priorities in the execution of National Highway Works; and

(b) whether there is any scheme of priorities for works in each State?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) The following order of priorities is generally observed in the preparation of the National Highway programme;

(1) Construction of bridges at unbridged crossings and construction of missing road links in the existing National Highways.

(2) Reconstruction or strengthening of bridges which have become unsafe.

(3) Improvement of sections which are uneconomical to maintain or dangerous to traffic.

(b) No, sir.

Training Centres for *Malis*

*331. **Shri K. P. Sinha** : Will the Minister of **Food and Agriculture** be pleased to state :

(a) whether it is a fact that Government propose to set up training centres for *malis* in the Second Five Year Plan, and

(b) if so, the estimated amount of expenditure over these Centres, both recurring and non-recurring?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) It is proposed to establish four training centres for *malis*. Although these centres will be sponsored by the Central Government, they will be under the administrative control of the State Governments.

(b) Rs. 9,00,000 for five years.

Dock Workers Enquiry Committee

*337. **Shri Raghunath Singh**: Will the Minister of **Labour** be pleased to state the setps taken to implement the recommendations of the Dock Workers (Regulation of Employment) Enquiry Committee?

The Deputy Minister of Labour (Shri Abid Ali) : The recommendations are under examination.

State Transport Undertakings

*340. **Shri B. D. Shastri** : Will the Minister of **Transport** be pleased to state:

(a) the matters discussed at the fourth Conference of the representatives of State Transport Undertakings held recently at Trivandrum;

(b) the recommendations made by the Conference; and

(c) whether Government have taken any decisions on these recommendations?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) A copy of the agenda of the fourth Conference of the State Transport undertakings held at Trivandrum on the 7th and 8th November, 1955, is laid on the Table of the House. [*See* Appendix III, Annexure No. 6] The matters discussed were mainly of domestic interest to the State Transport Undertakings.

(b) A copy of the proceedings of the Conference when finalised will be placed on the Table of the House.

(c) No decisions are required to be taken by Government on general matters discussed at these Conferences, which concern the State Transport Undertakings themselves. If, however, any specific reference is made to Government, it is considered on its own merits.

Balangir-Titilagarh Railway Line.

*344. **Shri R. N. S. Deo** : Will the Minister of **Railways** be pleased to refer to the reply given to Unstarred Question No. 171 on the 3rd August, 1955 and state:

(a) whether the revision of the figures of the 1946-47 Preliminary Engineering Survey of the Balangir-Sambalpur portion has been done;

(b) if so, the estimated cost under the revised estimate;

(c) whether the new survey for Balangir-Titilagarh portion has been concluded;

(d) if so, the results thereof, and if not, when is it likely to be concluded; and

(e) whether the proposed new survey for Balangir-Titilagarh portion, includes both Engineering and Traffic surveys?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) and (c) No, Sir.

(b) Does not arise.

(d) In July 1956.

(e) No, Sir. Only a preliminary Engineering survey has been considered necessary as the Traffic Survey has already been done.

Tube-wells in Rajasthan

*348. **Shri Karni Singh Ji** : Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Site Selection Committee for the exploratory tube-wells has visited the Rajgarh area of Rajasthan to select suitable sites for the purpose; and

(b) if not, when it is expected to do so?

The Minister of Food and Agriculture (Shri A.P. Jain) : (a) No, Sir. The Rajgarh area has not been selected for groundwater exploration as it is in the midst of an area underlain by hard, impervious rocks and, therefore, not considered promising for tube-well development.

(b) Does not arise.

Foodgrain Gift from U.S.A.

*354. **Sardar Hukam Singh**
Shri Bahadur Singh
Shri Digambar Singh

Will the Minister of **Food and Agriculture** be pleased to state:

(a) the principles that have guided the Central Government for disribution of 20,000 tons of foodgrains received as a gift from the Government of United States for free distribution in the flood affected areas; and

(b) the quantity out of that allocated to Punjab and PEPSU?

The Minister of Food and Agriculture (Shri A.P. Jain) : (a) Allotment of the gift grains to different States has been made keeping in view the needs of flood affected areas in each state.

(b) Punjab and PEPSU have been allotted 2,500 tons and 1,500 tons of wheat respectively. No rice has been allotted to these two States.

Water Transport Board

*355. **Shri Shree Narayan Das** : Will the Minister of **Transport** be pleased to refer to para. 60 of this Ministry's Annual Report for 1954-55 and state

(a) the precise nature of the alternative proposals submitted by some

of the South India States with regard to the setting up of a Water Transport Board in South India;

(b) whether Government have considered those proposals; and

(c) if so, the decision arrived at in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) to (c) The proposal to set up a joint Board of representatives of the Central and State Governments concerned to co-ordinate the development of inland water transport in South India did not meet with general acceptance. It was agreed that the co-ordination of specific inter-state inland water transport projects could be ensured by holding *ad hoc* meetings with State Governments' representatives whenever necessary.

डाक व तार कर्मचारी-संघ

*३५६. श्री अमर सिंह डामर : क्या संचार मंत्री यह बताने की कृपा करेंगे कि :

(क) मध्य भारत में डाक व तार विभाग के कर्मचारियों के कितने संघ हैं; और

(ख) उनमें से कितने संघों को संचार मंत्रालय ने मान्यता प्रदान की है ?

संचार उपमंत्री (श्री राज बहादुर) : (क) और (ख). डाक-तार विभाग के कर्मचारियों की यूनियनों को सरकार ने अखिल भारतीय आधार पर मान्यता दी है, न कि राज्य-क्रमानुसार। डाक-तार परिमण्डलों के अनुसार उनकी परिमण्डल शाखायें हैं। मध्य-भारत की—जो राजस्थान परिमण्डल का भाग है—१६ मान्य शाखा-यूनियनें हैं; ये यूनियनें, परिमण्डल शाखाओं द्वारा अखिल भारतीय यूनियनों के साथ सम्बद्ध हैं।

Asian Regional Training Course

*357 **Dr. Satyawadi** : Will the Minister of **Labour** be pleased to refer to the reply given to Starred Question No. 1114 on the 24th August, 1955 and state:

(a) the number of candidates selected for training to Asian Regional Training Course to be held at Bandung in Indonesia; and

(b) the financial aspects of the scheme?

The Deputy Minister of Labour (Shri Abid Ali) : (a) Nine.

(b) Travel expenses had to be shared equally between the I.L.O. and the employers or the candidates. The I.L.O. also paid a daily subsistence allowance.

Quinine Conference

*358. **Shri N. Rachiah** : Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that a Quinine Conference was organised by Government in the third week of October, 1955 at Ootacamund to determine the policy on Cinchona cultivation in the country;

(b) if so, the names of the States which participated in the Conference; and

(c) the recommendations made at the conference?

The Minister of Health (Rajkumari Amrit Kaur) : (a) Yes.

(b) Madras, West Bengal, Assam, Bombay, Bihar, Uttar Pradesh and Travancore-Cochin.

(c) A copy of the resolutions passed at the Conference is laid on the Table of the Lok Sabha. [*See* Appendix III, Annexure No. 7].

Road Transport

*359. **Ch. Raghubir Singh** : Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that the Planning Commission have suggested to the State Governments that for routes not covered by a phased programme of nationalisation of passenger transport, the State Governments should issue long-term permits under the Motor Vehicles Act; and

(b) if so, how far the State Governments have accepted this proposal?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Yes.

(b) None of the State Governments who have sent replies to the Planning Commission have raised any objection to this suggestion.

Nationalisation of Railways

*360. **Shri Krishnacharya Joshi** : Will the Minister of **Railways** be pleased to state:

(a) whether Government propose to nationalise all non-Government Railways in the near future; and

(b) if not, the reasons therefor?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) No, Sir.

(b) The assets of such Railways are mostly obsolete and overaged and need extensive rehabilitation at heavy cost. Available resources have to be conserved for creation of new assets and not spent on acquiring old and obsolete assets.

National Highways

*361. **Shri N. M. Lingam** : Will the Minister of **Transport** be pleased to state:

(a) whether there is any basic schedule of rates for National Highway Works in the country; and

(b) if not, the maximum degree of variation per mile of work including surfacing?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) No, Sir. As rates for each item of work vary with locality, State schedules of rates for each division are adopted for National Highway estimates.

(b) The cost of construction of a road depends on several factors such as location, nature of soil, specification, width of the carriageway, cross drainage works etc. Roughly, for a road having a single lane black-topped carriageway, the cost per mile can vary from Rs 75,000/- to Rs. 3,00,000/-.

Flag Station at Chikna, N.E. Railway

*362. **Shri L.N. Mishra** : Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 1224 on the 30th August, 1955 and state:

(a) the decision taken regarding conversion of the Chikna Halt on North-Eastern Railway into a flag station;

(b) whether this halt would be opened for foreign traffic; and

(c) the steps taken to provide a passenger shed at this halt?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) : (a) The matter is still under examination.

(b) and (c) Provision of these facilities will be considered after a decision is taken regarding conversion of the halt into a flag station.

Poultry

*363. **Shri S.C. Samanta** : Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 927 on the 14th March, 1955 and state:

(a) when the proposed Poultry Development Centres are proposed to be established;

(b) whether any help will be forthcoming from the F.A.O. in this regard;

(c) if so, to what extent; and

(d) whether Government have any statistics about the poultry population in the country?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Under the revised Pilot Project, 50 Poultry Development Centres are to be established in the various States as against 15 referred to in the reply given on the 14th March, 1955. Of these, 19 centres have already been established and the remaining 31 centres are expected to be established before the 31st March, 1956.

(b) No.

(c) Does not arise.

(d) Yes.

Night Air Services

*364. **Chaudhri Muhammed Shaffee**; **Sardar Iqbal Singh**:

Will the Minister of **Communications** be pleased to state:

(a) whether the four-engined luxury Skymasters have replaced the twin-engined Dakotas in the night air services of the Indian Airlines Corporation;

(b) if so, since when; and

(c) the number of the Skymasters acquired?

The Deputy Minister of Communications (Shri Raj Bahadur) : (a) and (b). The Skymasters have replaced Dakotas on the night Air Mail Services with effect from the 5th November, 1955.

(c) The Corporation have acquired three Skymasters in addition to three aircraft of this type already with them.

Wages in Cement Industry

*365. **Shri M. S. Gurupadaswamy** : Will the Minister of **Labour** be pleased to state:

(a) whether the Board set up to prescribe the basic minimum (standard) rates of wages in the cement industry have submitted their report;

(b) if so, their main recommendations;

(c) whether any of those recommendations have been accepted and implemented?

The Deputy Minister of Labour (Shri Abid Ali) : (a) No.

(b) and (c). Do not arise.

Cancer

*366. **Shri Raghunath Singh** : Will the Minister of **Health** be pleased to refer to the reply given to Unstarred Question No. 626 on the 7th April, 1955 and state the number of cancer research centres proposed to be opened in the near future ?

The Minister of Health (Rajkumari Amrit Kaur) : The question of opening more cancer research centres is under consideration.

रेलवे रियायतें

*३६७. श्री भागवत झा आजाद :
श्री डी० सी० शर्मा :

क्या रेलवे मंत्री ६ सितम्बर, १९५५ को दिये गये तारांकित प्रश्न संख्या १५१५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या त्यौहारों के महत्वपूर्ण अवसरों पर रियायती टिकट जारी करने का सरकार ने निश्चय किया है; और

(ख) यदि हां, तो किन अवसरों पर ऐसे रियायती टिकट जारी किये जायेंगे ?

रेलवे तथा परिवहन मंत्री के सभासचिव (श्री शाहनवाज खां) : (क) जी, हां ।

(ख) दशहरा, दीवाली और क्रिसमस ।

C.A.R.E.

*368. **Shrimati Maydeo** : Will the Minister of **Health** be pleased to state:

(a) who are running the Co-operative for American Remittances to Everywhere (CARE);

(b) whether any hospital supplies or equipment have so far been received in India; and

(c) the demand of Indian hospitals in this respect?

The Minister of Health (Rajkumari Amrit Kaur) : (a) The Co-operative for American Remittances to Everywhere (CARE) was formed in 1946 in the United States by 26 leading labour welfare and religious organisations.

(b) Yes.

(c) There were demands from 83 Indian hospitals for equipment through CARE.

Coal Mines Provident Fund Act, 1948

*369. **Shri T.B. Vittal Rao** : Will the Minister of **Labour** be pleased to state:

(a) whether any steps are being taken to liberalise the provisions of Coal Mines Provident Fund Act, 1948 in favour of the subscribers on the lines of Employees Provident Fund Act; 1952; and

(b) if so, the nature of such proposals?

The Deputy Minister of Labour (Shri Ab'd Ali):(a) and (b) Yes. The Coal Mines Provident Fund Scheme, 1948 has already been amended with effect from the 18th July, 1955 to provide that dearness allowance (including the value of food concessions in cash and in kind) is to be reckoned as part of wages for purposes of contributions to the Fund, as in the case of Employees' Provident Fund. Other important proposals under consideration are :—

(i) liberalisation of the provisions relating to 'forfeiture' of employers' contribution in favour of the employees;

(ii) facility of transfer of accumulations from existing provident funds to the Coal Mines Provident Fund.

मक्खियां

*३७०. श्री बी० डी० शास्त्री :
डा० राम सुभाग सिंह :

क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) क्या उन्होंने पत्रकारों के सम्मेलन में यह घोषणा की है कि वे "चीनी तरीके"

पर दिल्ली में मक्खियों को समाप्त करने का आन्दोलन आरम्भ करेंगीं; और

(ख) क्या भारत के अन्य नगरों में भी वैसा आन्दोलन आरम्भ करने का विचार है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर): (क) मैं ने कहा था कि दिल्ली में तजर्बे के तौर पर मैं एक आन्दोलन शुरू करना चाहूंगी ।

(ख) ऐसा कोई विचार नहीं है ।

International Wheat Conference

*371. **Shri D. C. Sharma:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether the Government of India participated in the International Wheat Conference held recently; and

(b) if so whether our delegation has submitted any report in this regard?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes, Sir.

(b) Not yet.

Timber Seasoning Plant

*372. **Dr. Ram Subhag Singh:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 670 on the 12th August, 1955 and state:

(a) whether Government have received any proposals for setting up a plant for the treatment of timber for Railway sleepers;

(b) if so, where that plant is likely to be se up; and

(c) the ... t involved in setting up that plant?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No, Sir.

(b) and (c). Do not arise.

Industrial Wages and Profits

*373. **Shri Shree Narayan Das:** Will the Minister of **Labour** be pleased to state:

(a) whether it is a fact that Government have appointed an expert Committee to go into the whole question of wages, profits, terms and conditions of payment etc;

(b) whether the Committee has submitted its report; and

(c) if so the important features thereof?

The Deputy Minister of Labour (Shri Abid Ali): (a) to (c). No such Expert Committee has been appointed recently.

Shipping

*374. **Shri N. Rachiah** : Will the Minister of **Transport** be pleased to state:

(a) whether it is a fact that there has been a rise in demand for shipping on the coast as per the review by the Central Board of Transport;

(b) if so the reasons thereof;

(c) what is the present shipping tonnage; and

(d) the action taken by Government to meet the increase in demand?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) The increase in demand is understood to be due to seasonal rush and wagon difficulties on the railways.

(c) The total owned and chartered tonnage available for coastal trade on 1st November, 1955 was 276,694 gross registered tons.

(d) The Government are constantly reviewing the position in consultation with the various authorities concerned. The measures already taken by Government *inter alia* include (i) the grant of Indian shipping companies for acquisition of addtional tonnage (ii) partial relaxation of the restrictions regarding the employment of chartered tonnage on the coast and (iii) coastal ships at Indian ports. The question of taking further measures to deal with the shortage of tonnage on the coast is under consideration.

Howrah-Burdwan Electrification Scheme

*375. **Shri Krishnacharya Joshi:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that a contract for the electrification scheme of Indian Railways has been given to a British firm; and

(b) if so the estimated cost of the Howrah, Calcutta and Burdwan electrification scheme?

The Parliamentary Secretary to the Minister of Railways and Transport (Shri Shahnawaz Khan) Yes Sir for Rs. 45 lakhs approximately.

(b) Rs. 11·84 crores.

Mechanised Fishing

*376. **Shri M. S. Gurupadaswamy:** Will the Minister of **Food and Agriculture** be pleased to state:

(a) whether any survey of shore facilities with particular reference to requirements of mechanised fishing boats was completed recently; and

(b) if so, the findings of the survey?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) No.

(b) Does not arise.

Industrial Disputes

*377. **Shri D. C. Sharma:** Will the Minister of **Labour** be pleased to state:

(a) the number of labour disputes in the Central sphere referred to the Industrial Tribunal in the Punjab State during 1953 and 1954; and

(b) whether the decisions given by them have been fully implemented by the respective industries?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b) No labour dispute in the Central sphere has been referred to an Industrial Tribunal in the Punjab but one such dispute was referred to the Central Tribunal at Dhanbad. The management did not implement the award fully and also terminated it during the period of its legal validity.

Travelling Ticket Examiners

171. **Chaudhuri Muhammed Shaffee:** Will the Minister of **Railways** to pleased to state:

(a) the number of trains in Delhi and Ferozepore Divisions run without Travelling Ticket Examiners;

(b) the number of Travelling Ticket Examiners for every two bogies working in trains mentioned in part (a) above:

(c) the reasons for running the trains without Travelling Ticket Examiners;

(d) since when the Travelling Ticket Examiners are not operating on these trains; and

(e) the reasons for the delay in introducing this scheme?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a). There are no trains in these Divisions which are rud without Travelling Ticket Examiners throughout the year; but certain trains run without Travelling Ticket Examiners on certain days.

(b) None, at present.

(c), (d) and (e). The general system of ticket checking is and has been to subject trains with light traffic density to only periodical checks including surprise checks, and there is no intention at present to change the system.

Linking Stations by Telephones

172. **Shri Anirudha Sinha:** Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that linking up Dighaghat and Mahendraghat with Plezaghat by telephone, is under the active consideration of the Railway administration;

(b) if so, what steps have been taken in this connection so far; and

(c) by what time these ghats will be linked up with Patna?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Yes.

(b) Firm demands have been placed by the Railway on the Posts and Telegraphs Department for the erection of the necessary line wires.

(c) Soon after the Posts and Telegraphs Department complies with (b) above.

C. T. O.

173. **Shri Kamath :** Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Unstarred Question No. 1164 on the 27th September, 1955 and state :

(a) whether the registered Union of the C.T.O. employees has since been recognized by Government; and

(b) if not, the reasons therefor?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) Not yet.

(b) The Union has recently furnished a copy of their amended Rules and Regulations and the case of recognition is under consideration.

Delhi-Madras Janata Express

175. **Shri Kamath :** Will the Minister of **Railways** be pleased to state :

(a) whether Government propose to run the Delhi-Madras Janata Express daily;

(b) if so, from which date; and

(c) if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) No.

(b) Does not arise.

(c) Inadequate sectional capacity is the main reason, and non-availability of coaching stock and locomotives required for the purpose is a contributory factor.

Coal Wagons

176. Shri Tulsidas: Will the Minister of **Railways** be pleased to state the number of wagons of coal carried by the Indian Railways:

(i) Zone-wise, and

(ii) During 1952-53, 1953-54, 1954-55 and upto 31st October, 1955?

The Deputy Minister of Railways and Transport (Shri Alagesan): (i) and (ii) A statement showing number of wagon of coal (originating and transhipped at break of gauge points) on the Indian Railways zone-wise is attached. [*See* Appendix III, Annexure No. 8]. The number of coal wagons carried inclusive of loaded receipts by each railway from other railways of the same gauge is not available.

Minor Irrigation Schemes

177. {Sardar Hukam Singh: Shri Bahadur Singh:

Will the Minister of **Food and Agriculture** be pleased to state the amount asked for by the Punjab and PEPSU Governments from the Centre for the execution of minor Irrigation Schemes during the Second Five Year Plan?

The Minister of Food and Agriculture (Shri A. P. Jain): The Governments of Punjab and PEPSU had estimated the expenditure for the execution of minor irrigation schemes for the Second Five Year Plan at Rs. 330·00 lakhs and Rs. 59·48 lakhs respectively. While the Government of Punjab did not specify the amount required from the Central Government, the Government of PEPSU have asked for Rs. 46·534 lakhs from the Centre.

Foodgrains

178. {Sardar Hukam Singh: Shri Bahadur Singh:

Will the Minister of **Food and Agriculture** be pleased to state:

(a) the quantity of wheat and gram supplied from Punjab and PEPSU to the parts of the country during 1955 so far; and

(b) the quantity purchased by these State Governments during 1955 so far on behalf of the Government of India under the Price Support Scheme?

The Minister of Food and Agriculture (Shri A. P. Jain):

(a)	Wheat	.	1,290 tons.
	Gram	.	1,083 tons
(b)	Wheat	.	19,271 tons.
	Gram	.	1,195 tons.

भारतीय उपज कैलंडर

१७९. श्री श्री नारायण दास : क्या खाद्य और कृषि मंत्री यह बताने की कृपा करेंगे कि :

(क) केन्द्रीय सरकार द्वारा प्रकाशित भारतीय उपज कैलेंडर (इंडियन क्राप कैलेंडर) किन किन भाषाओं में प्रकाशित किया जाता है;

(ख) ऐसे प्रकाशनों पर प्रति वर्ष कितना व्यय होता है ; और

(ग) यदि वह भारत की सब प्रमुख भाषाओं में प्रकाशित नहीं किया जाता तो क्या कैलेंडर को प्रादेशिक भाषाओं में भी प्रकाशित करने के लिये कोई योजना है ?

खाद्य और कृषि मंत्री (श्री ए० पी० जैन) : (क) अंग्रेजी और हिन्दी में ।

(ख) क्राप कैलेंडर प्रति वर्ष प्रकाशित नहीं होता । इस प्रकाशन के अंग्रेजी में दो अंक तथा हिन्दी में एक रूपान्तर क्रमश: १९४७, १९५० तथा १९५४ में निकले थे । इन तीनों के प्रकाशन पर (विभागीय चार्जेज को छोड़ कर) कुल व्यय ६४१० रुपये हुआ ।

(ग) जी, नहीं ।

मध्य भारत में नई रेलवे लाइन

१८०. **श्री अमर सिंह डामर :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या द्वितीय पंचवर्षीय योजना की कालावधि में मध्य भारत के अनुसूचित आदिम जाति क्षेत्र में एक रेलवे लाइन बनाने की मांग की गई है और यह कि क्योंकि उसका सर्वेक्षण हो चुका है उसे सरदारपुर और धार को मिलाते हुए इन्दौर से दोहद तक बढ़ा देना चाहिये; और

(ख) यदि हां, तो यह मामला किस स्थिति में है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) मध्य भारत सरकार ने दूसरी पंचवर्षीय योजना में इस लाइन के बनाने की सिफारिश की है।

(ख) अभी तक कोई फैसला नहीं हुआ है।

जनता एक्सप्रेस

१८१. **श्री अमर सिंह डामर :** क्या रेलवे मंत्री १३ मई, १९५४ को दिये गये तारांकित प्रश्न संख्या २४७५ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि :

(क) क्या दिल्ली और बम्बई के बीच जनता एक्सप्रेस चलाने के प्रस्ताव पर विचार किया गया है; और

(ख) यदि हां, तो इस सम्बन्ध में कब तक निर्णय होगा ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) और (ख). दिल्ली और बम्बई सेण्ट्रल के बीच एक जनता एक्सप्रेस गाड़ी चलाने की आवश्यकता तो है लेकिन विशेष रूप से लाइन के खाली न रहने और डिब्बों तथा इंजनों की बेहद कमी के कारण यह गाड़ी अभी नहीं चलायी जा सकती।

बिना टिकट यात्रा

१८२. **श्री अमर सिंह डामर :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि पश्चिम रेलवे के कोटा और गोधरा रेलवे स्टेशनों के बीच बिना टिकट यात्रा करने वालों को दंड देने के लिये एक चलते फिरते मजिस्ट्रेट की नियुक्ति की गई है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : दो रेलवे मजिस्ट्रेट नियुक्त किये गये हैं, एक गोधरा–अनास सेक्शन के लिये, जिसमें गोधरा और अनास स्टेशन भी शामिल हैं और दूसरा नाहरगढ़–शामगढ़ सेक्शन के लिए, जिसमें नाहरगढ़ और शामगढ़ भी शामिल हैं लेकिन सुवासरा शामिल नहीं है।

रतलाम जंक्शन

१८३. **श्री अमर सिंह डामर :** क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) क्या यह सच है कि पश्चिम रेलवे के रतलाम जंक्शन के प्लेटफार्म पर शेड बनाने के सम्बन्ध में स्थानीय संस्थाओं और व्यक्तियों से सरकार को अभ्यावेदन मिले हैं; और

(ख) यदि हां, तो उसके बारे में क्या निर्णय हुआ है ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क) यह पता नहीं लगता कि अभी हाल में इस तरह का कोई आवेदन-पत्र मिला है।

(ख) सवाल नहीं उठता।

Cases filed in Courts by Railway Employees

184. **Chaudhri Muhammed Shaffee:** Will the Minister of **Railways** be pleased to state :

(a) the number of cases filed in the Courts by the Railway employees against the Railway Department, Zone-wise, in 1954 and 1955;

[Chaudhri Muhammed Shaffee]

(b) the number of cases decided by the Courts against the Department, the nature of the cases and their decisions;

(c) the total amount spent by Government on these cases;

(d) the officials responsible for them;

(e) whether any action was taken against them;

(f) is so, what; and

(g) if not, the reasons therefor?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) to (g). A statement is attached. [*See* Appendix III, annexure No. 9].

Railways Hospital

185. Chaudhuri Muhammed Shaffee: Will the Minister of **Railways** be pleased to state:

(a) the number of T.B. patients admitted in Railway Hospitals in India, since the 1st January, 1955;

(b) the total amount spent on them; and

(c) the number of T. B. patients (Railway employees) who have not been admitted in Railway Hospitals and are still on the waiting lists?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) 1,347.

(b) Rs. 1,34,632/- approximately.

(c) 441.

Travelling on Foot-boards

186. Dr. Satyawadi : Will the Minister of **Railways** be pleased to state :

(a) the number of raids made at the Delhi Main Station against persons travelling on foot-boards during the period from the 1st April to the 30th September, 1955;

(b) the number of persons convicted during the above period; and

(c) the total amount realised by way of fines in these cases?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) 6
(b) 12
(c) Rs. 30/-

सहकारी-समितियां

१८७. श्री एम० एल० द्विवेदी : क्या खाद्य और कृषि मन्त्री यह बताने की कृपा करेंगे कि :

(क) कृषि उत्पाद को सहकारी समितियों द्वारा निर्यात करने के सम्बन्ध में क्या स्थिति है; और

(ख) क्या इन सहकारी समितियों द्वारा निर्यात किये गये कृषि उत्पादों के बदले में इन समितियों को सम्बन्धित देशों से इस देश में आयात की जाने वाली वस्तुओं के आयात करने में सुविधा मिलेगी ?

खाद्य तथा कृषि मंत्री (श्री ए० पी० जैन) : (क) सहकारी समितियों को प्याज मिर्च, हाथ से उठाई व चुनी मूंगफली, कपास, भेड़ व बकरी, ताड़ गुड़ और ताजी सब्जियां, और फलों के निर्यात के व्यापार में भाग लेने के लिये खास रियायत दी गई है। यह रियायत या तो कोटा (quota) नियत करके या उन के लिये कोटे पर लगी हुई रुकावटों को कम कर के दी जाती है। प्याज, मिर्च, हाथ से उठाई व चुनी मूंगफली और कच्ची कपास के निर्यात के सम्बन्ध में सहकारी समितियों को राज्य सरकारों की सिफारिश पर अडहोक (Ad hoc) आधार पर कोटा दे दिया गया है। भेड़ और बकरियों के बारे में सहकारी समितियों से मिली हुई अर्जियों पर उनके गुण दोषों को दृष्टि में रखते हुए विचार किया जाता है। ताड़ गुड़, ताजी सब्जियों और फलों के निर्यात के सम्बन्ध में सहकारी समितियों को भी फ्री लाएसेन्स की सुविधायें दे दी गई हैं।

(ख) कृषि पदार्थों के निर्यात व्यापार में सहकारी समितियों को खास सुविधायें देने का मुख्य उद्देश्य किसान को उसकी पैदा की हुई चीजों का अच्छा मूल्य दिलाने में सहायता करना है। परन्तु आयात व्यापार में ऐसा मामला नहीं है। तो भी, सहकारी समितियें

[श्री ए० पी० जैन]

को उनकी प्रार्थनाओं के आने पर उनकी निर्यात करने वाले देशों से माल आयात करने के लिये सुविधायें देने के प्रश्न पर विचार किया जायेगा ।

Elephants

188. **Shri D. C. Sharma** : Will the Minister of **Food and Agriculture** be pleased to state :

(a) the number of elephants hunted during 1954-55; and

(b) the approximate number of the elephants in India at present?

The Minister of Food and Agriculture (Shri A. P. Jain) : (a) and (b). Information is being collected and will be laid on the Table of the Lok Sabha. when received.

Crimes on Trains

189. **Shri D. C. Sharma** : Will the Minister of **Railways** be pleased to state the number of thefts, robberies, murders and dacoities committed in the upper classes (I and II classes) on the Northern Railway during the last one year ending on the 30th November, 1955?

The Deputy Minister of Railways and Transport (Shri Alagesan) :

Thefts.	71
Robberies.	1
Murders	—
Dacoities	1

NOTE :— This information pertains to the year ending 31-10-55 it not being possible to furnish information up to 30th November 1955, the date of answer of the question being 1-12-55.

Central Health Council

190. **Shri Krishnacharya Joshi** :
Shrimati Maydeo :
Shri K. C. Sodhia :

Will the Minister of **Health** be pleased to state which of the recommendations made at the third meeting of the Central Health Council held at Trivandrum in January 1955 have been implemented so far?

The Minister of Health (Rajkumari Amrit Kaur) : The following recommendations made at the third meeting of the Central Health Council held at Trivandrum in January 1955 have been implemented so far.

RESOLUTION No. 2

The Central Council of Health recognising the value of an Annual Publication giving statistical information in respect of vital Statistics, training of health personnel, the number of hospitals and dispensaries, public health measures adopted for the control of various communicable diseases, progress of the various Development Health Programmes under the Five Year Plan and other useful information concerning health activities in the country as a whole urges on all State Governments the necessity of supplying the information in respect of these promptly to the Union Ministry of Health/Directorate General of Health Services, as the case may be, to enable them to compile their reports with the least possible delay.

RESOLUTION NO. 5

The Central Council of Health records its appreciation of the work carried out by the Expert Committee appointed by the Government of India on the recommendation of the Executive Committee to study and report on the type of Training in Pharmacology that is being imparted in different parts of the country to students undergoing combined 4 1/2 years course of training in Ayurvedic and Unani Colleges under the Chairmanship of Dr. H.B.N. Swift, Director of Health Services, Punjab. The Council feels that before taking a decision the State Governments should first be invited to offer their comments on this report and the matter be referred again to the Executive Committee of the Council.

RESOLUTION NO. 6

The Central Council of Health recommends that the Government of India should appoint a Committee with Shri Dyashankar Trikamji Dave, Minister for Health, Government of Saurashtra, as Chairman and Health Ministers of Bombay, West Bengal, Hyderabad and Travancore-Cochin as members to formulate a uniform policy in respect of the education and regulation of the practice of Vaidyas, Hakims and Homoeopaths. Dr. H.B.N. Swift, Director of Health Services, Punjab, may be appointed Secretary to the Committee and the Committee be requested to submit its report within six months from the date of its appointment.

RESOLUTION NO. 7

The Central Council of Health expresses its deep sense of gratitude to the Chairman, Shri A.B. Shetty, Minister for Health, Government of Madras, the Members and Secretary of the Committee appointed to review the conditions of service, emo-

[Rajkumari Amrit Kaur]

luments, etc. of the Nursing Profession, for their valuable report and commends the recommendations for the acceptance of the various States.

RESOLUTION NO. 8

The Central Council of Health records its appreciation of the work done by the Committee for the control of leprosy and notes with interest the progress that has been made so far. The Council accepts the suggestion of the Chairman, Dr. A.D. Mukharji, Minister of State In-charge of Medical and Public Health Department, Government of West Bengal, that in view of the complexity of the problem and its great national importance the Committee may be allowed another six months to complete its report.

RESOLUTION NO. 12

The Central Council of Health after considering the proposal for prescribing a minimum period of practice in rural and tribal areas for medical and ancillary personnel as one of the essential qualifications for appointment to Government service feels that a more practical way to attract medical and ancillary personnel to the rural areas will be to provide them with suitable residential accommodation and transport, adequate facilities for their professional work and an adequate compensatory allowance. The Council, therefore, does not support the proposal. It, however, recommends that experience in rural areas may be considered as an additional qualification for employment in Government service.

RESOLUTION NO. 15

The Central Council of Health regrets its inablility to accept the recommendations of the Commissioner for Scheduled Castes and Scheduled Tribes to make available Homoeopathic, Ayurvedic and other medicines to the residents of he Backward areas through unqualified persons on the condition that the medicines used are harmless. The Council feels that this will be against its earlier decision to abolish quackery and not to allow unqualified practitioners to prescribe and dispense medicines. It, therefore, recommends that medical relief for the Backward Areas should be built up in a manner similar to that being used at present in the Tribal areas of some States and that survey of the medical needs of the Backward Areas should be carried out by the State Governments before planning. The Council hopes that adequate financial assistance will be provided by the Central Government for this prupose.

RESOLUTION NO. 16

The Central Council of Health recommends that the State Governments should explore the possiblity of liberalising their policy in the matter of admission to medical colleges and charging of capitation fees and remove all restrictions on admission of students who have obtained the premedical qualification of the required standard irrespective of their domicile.

RESOLUTION NO. 17.

The Central Council of Health viewing with concern the lack of adequate Student Health Services throughout the country and recognising the urgent need of adequate Health Services for this most important group in the community, recommends that all State Governments should take immediate steps to establish a Student Health Service under their Health Departments so as to give the entire student population proper medical care including nutrition and physical education.

RESOLUTION NO. 18

The Council further recommends that the Government of India shall take immediate steps to pass the amended Drugs Act in the Lok Sabha.

Engineering Workshop, Arkonam

191. Shri Nambiar : Will the Minister of **Railways** be pleased to state:

(a) whether Government are aware of the fact that the supervisory staff at the Engineering Workshop at Arkonam (S. Railway) is inadequate to cope with the quantum of work there;

(b) whether it is also a fact that some representations to this effect have been received by Government from the Railway Employees Association; and

(c) if so, the decision taken by Government in the matter?

The Deputy Minister of Railways and Transport (Shri Alagesan) : (a) Government do not consider that the supervising staff is now inadequate.

(b) Yes, Sir.

(c) In view of (a) above, the question does not arise.

Milk Supply in Delhi

192. Shri Jhulan Sinha : Will the Minister of **Food and Agriculture** be pleased to refer to the reply given to Starred Question No. 851 on the 17th August, 1955 and state:

(a) whether any offer had been made to any agency of the Delhi State Government to take over the Delhi Milk Supply Scheme;

(b) whether the Government of Uttar Pradesh is in any way connected with the Meerut Co-operative Milk Supply Union, Limited, Meerut; and

(c) the total amount arrived at in terms of the agreement with the said Union as payable to the Central Government?

The Minister of Food and Agriculture (Shri A. P. Jain): (a) Yes. An offer was made to the Delhi State Government in November, 1954, but there was no response from the State Government.

(b) A statement is appended. [*See* Appendix III, annexure No. 10].

(c) Approximately a sum of Rs. 3·07 lakhs which represents the difference of receipts and expenditure of the scheme upto 31st July, 1955 is payable to the Indian Council of Agricutural Research.

Iron Sleepers on Railways

193. Pandit D. N. Tiwary: Will the Minister of **Railways** be pleased to state:

(a) whether it is a fact that the wooden sleepers are being replaced by iron sleepers on Railway track;

(b) whether the iron sleepers are cheaper than wooden sleepers; and

(c) the durability of each kind of sleepers?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) Not in all cases.

(b) According to the average annual cost of a sleeper based on its life in the track, steel and cast iron sleepers are cheaper in annual cost than wooden sleepers.

(c) The steel sleepers have a life of approx. 35 years in the track, cast iron are expected to give 40 years life and untreated wooden sleepers have a life of 12 to 14 years and with treatment the age in service can be raised to 16—18 years.

B. C. G. Campaign

194. Shri D. C. Sharma: Will the Minister of **Health** be pleased to state the expenditure to be incurred on the B.C.G. Campaign in the various States during the year 1955-56, Statewise?

The Minister of Health (Rajkumari Amrit Kaur): An expenditure of Rs. 4,67,000/- is expected to be incurred by the Government of India on the B.C.G. vaccination campaign in India, on the running expenses of the Central B.C.G. Organisation and the B.C.G., Vaccine Laboratory, Guindy.

Information regarding the expenditure to be incurred by the various States on the B.C.G. Campaign is being collected and when available will be placed on the table of the Sabha.

P. & T. Offices in Punjab

195. Shri D. C. Sharma: Will the Minister of **Communications** be pleased to state:

(a) the number of combined Posts and Telegraphs Offices in the Punjab State as on the 31st October, 1955;

(b) the number of Post Offices in Hoshiarpur District as on the 30th November, 1955; and

(c) the number of Telephone Exchanges and connections in the Punjab State as on the 31st October, 1955?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 326.

(b) 53 including 26 combined post and telegraph offices.

(c) 47 and 7,503 respectively.

Sugar Research

196. Shri D. C. Sharma: Will the Minister of **Food and Agriculture** be pleased to state the total expenditure incurred on sugar research during 1954-55?

The Minister of Food and Agriculture (Shri A. P. Jain): The Central Government incurred an expenditure of Rs. 21.31 lacs during 1954-55 on sugar and sugarcane research.

Scheduled Castes and Tribes in Railway Services

197. Shri D. C. Sharma: Will the Minister of **Railways** be pleased to state:

(a) the total number of employees belonging to the Scheduled Castes and Tribes employed in the different grades in the Northern Railway at present;

(b) whether Government have fixed any quota for the Scheduled Castes and Tribes for employment in this Railway; and

(c) if so, whether the quota for 1954 has been filled up?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) and (c). A statement is attached. [*See* Appendix III, annexure No. 11].

(b) Yes, Sir.

Accidents in Mines

198. Shri D. C. Sharma: Will the Minister of **Labour** be pleased to refer to the reply given to Starred Question No. 1700 on the 30th March, 1955 and state:

(a) the number of accidents occurred in the coal mines during the period from January to October, 1955; and

(b) the number of workers involved therein?

The Deputy Minister of Labour (Shri Abid Ali): (a) and (b). The information is available for the period from January, 1955 to September, 1955, and is given below:—

Number of fatal accidents.	Number of Serious accidents.	Number of persons killed.	Number of persons injured.
168	1920	259	1988

Indian Cargo Vessels

199. Shri D. C. Sharma: Will the Minister of **Transport** be pleased to state the present strength of the Indian cargo vessels and the routes on which they ply?

The Deputy Minister of Railways and Transport (Shri Alagesan): The Indian Cargo fleet consists of 117 ships of a GRT of 473,543. They are employed in the following trades:—

Trade	No. of ships	GRT.
I *Coastal* .	84	252,583
II *Overseas*		
(a) India/UK/Continent . .	24	168,806
(b) India/Persian Gulf . .	3	9,861
(c) India/Australia	2	14,433
(d) India/Japan/Far East . .	2	10,759
(e) India/Singapore	1	8,580
(f) India/East Africa	1	8,521
	117	473,543

The above position is as on the 31st October 1955.

Railway Accidents

200. { Shri R. N. Singh: Shri D. C. Sharma:

Will the Minister of **Railways** be pleased to state:

(a) the number of accidents that took place during the period from the 1st January to the 30th September, 1955;

(b) how do these figures compare with the corresponding period of the last year;

(c) whether Government have received enquiry reports in respect of all the accidents;

(d) in how many cases the human element and failure of mechanical equipment were responsible for these accidents; and

(e) the steps, if any, taken to remove the causes of the accidents?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 2600 train accidents.

(b) The figure of train accidents during the year 1955 shows a decline as compared to the figure for the corresponding period of the last year, which was 2684.

(c) Yes; except in 122 cases.

(d) *Failure of human element.*

(*i*) Railway staff . .	993
(*ii*) Other than Railway Staff	88
TOTAL	1081

Failure of Mechanical Equipment 986

(e) Among the measures generally taken are:—

Effective disciplinary action against railway staff held responsible for accident.

Education of staff in the safety rules through periodicals, circular letters etc.

Tightening up of supervision and control.

Frequent warnings to staff to remain vigilant and cautious and making them more safety minded.

Provision of refresher courses at training schools at regular intervals.

Systematic examination and intensive inspection of Permanent Way and rolling stock etc.

Suitable action taken on the Reports of the Latham and Isaacs Committee on derailments and the Railway Accidents Reviewing Committee appointed to analyse the causes of accidents and recommend measures to minimise their incidence.

मध्य प्रदेश में मलेरिया नियंत्रण

२०१. **श्री के० सी० सोबिया :** क्या स्वास्थ्य मंत्री यह बताने की कृपा करेंगी कि :

(क) राष्ट्रीय मलेरिया नियंत्रण कार्य-क्रम के अधीन मध्य प्रदेश में कितने यूनिट हैं तथा वे किन किन स्थानों पर कार्य कर रहे हैं;

(ख) इस कार्य के लिए मध्य प्रदेश सरकार को अब तक कुल कितनी सहायता दी गई है ; और

(ग) इस योजना के अन्तर्गत किन विशेष क्षेत्रों में काम हो रहा है ?

स्वास्थ्य मंत्री (राजकुमारी अमृत कौर): (क) इस समय १२ यूनिट मध्य प्रदेश के नीचे लिखे स्थानों पर काम कर रहे हैं :-

(१) खण्डवा	(७) रायपुर
(२) अचलपुर	(८) जगदलपुर
(३) धर्मजयगढ़	(९) सोहागपुर
(४) मण्डला	(१०) होशंगाबाद
(५) चांदा	(११) बिलासपुर
(६) बालाघाट	(१२) भंडारा

(ख) राष्ट्रीय मलेरिया कंट्रोल प्रोग्राम अप्रैल १९५३ में चालू किया गया और तब से मध्य प्रदेश को ६५, ६५, ५९२ रुपये की सहायता दी गयी ।

(ग) मलेरिया कंट्रोल यूनिट जिन क्षेत्रों में काम कर रहे हैं वे इस प्रकार के हैं :-

(१) राज्य के देहाती क्षेत्र जहां मलेरिया स्वास्थ्य के लिए एक भारी समस्या है ।

(२) Community project क्षेत्र जो मलेरिया वाली जगहों में हैं, और

(३) वे क्षेत्र जो मलेरिया दूर करने के बाद नगर बसाने और विकास करने लायक है ।

Employment Exchanges in Madras

202. Shri I. Eacharan : Will the Minister of **Labour** be pleased to state:

(a) the number of Scheduled Caste candidates registered for employment in the Employment Exchanges in the Madras State from October, 1954 to September, 1955; and

(b) the number of candidates who secured employment during the above period?

The Deputy Minister of Labour (Shri Abid Ali): (a) 17,591.

(b) 2,796.

Dacoities on Trains

203. Shri R. N. Singh: Will the Minister of **Railways** be pleased to state:

(a) the total number of dacoities committed on trains in India during the period from the 1st January to the 30th September, 1955;

(b) the total loss of life and property caused thereby;

(c) how do these figures compare with the figures of the corresponding period during the last year; and

(d) the number of persons arrested and convicted in this connection?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) to (d).

	1955	1954
Number of dacoities	19	11
Loss of life . .	4	3
Loss of property .	Rs. 2,480	Rs. 3,256
*Number of persons arrested . .	54	76
Number of persons convicted .	6	2

[Shri Alagesan]

	1955	1954
*Under Police investigation	14	..
Not established	5	8
Acquitted	4	46
Under trial	25	20
TOTAL	48	74

Unauthorised Radio Sets

204. Shri S. K. Razmi: Will the Minister of **Communications** be pleased to state the number of cases of possession of radio-sets without licence detected during the current year as far as information is available?

The Deputy Minister of Communications (Shri Raj Bahadur): 8638 from 1st January, 1955 to 30th June, 1955.

N.E. Railway

205. Shri Bishwa Nath Roy: Will the Minister of **Railways** be pleased to state whether Government have any proposal under consideration for running any new trains on the main line of North Eastern Railway, under the Second Five Year Plan?

The Deputy Minister of Railways and Transport (Shri Alagesan): Yes.

National Highways

206. Shri Ibrahim: Will the Minister of **Transport** be pleased to state:

(a) the length of National Highways proposed to be constructed and developed during the Second Five Year Plan period in Bihar and the portion thereof in Ranchi District; and

(b) the estimated cost of construction per mile of these roads by using either brick *gitti* or stone pieces?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) The detailed programme for the development of National Highways under the Second Five Year Plan has not yet been finalised. According to the proposals under consideration the length of the sections proposed to be constructed and developed in Bihar is as follows:

New lengths to be constructed.	325 miles (of which 45 miles will be in Ranchi District).
Existing Roads to be developed.	285 miles (of which 5 miles will be in Ranchi District).

(b) The cost of construction of a road depends on several factors such as location, nature of soil, specification, width of the carriageway, cross drainage works etc. It is therefore difficult to indicate any average rate which will apply to the whole of Bihar. If, for purposes of comparison any particular District is taken, say, the Muzaffarpur District, the average cost of construction per mile of road having a single lane black topped carriageway in that District is Rs. 1,12,000, if brick gitti is used and Rs. 1,25,000 if stone metal is used.

Telegraph Messages

207. Shri Ibrahim: Will the Minister of **Communications** be pleased to state the number of cases in which telegraphic messages were conveyed to the addressee after 72 hours under the normal pressure of work, during the period the 1st July to the 31st October, 1955 (State-wise)?

The Deputy Minister of Communications (Shri Raj Bahadur): It is regretted that the required information is not available since these particulars are not normally maintained. Its collection from nearly 5000 telegraph offices in India would involved considerable clerical labour and time. Furthermore, drafts for the month of July and August are not available and have since been destroyed in keeping with the existing rules.

P. & T. Department

208. Shri Ibrahim: Will the Minister of **Communications** be pleased to state the amount of loss suffered by the Indian Posts and Telegraphs Department during 1954-55 as compared to 1947-48 under each of the following heads:—

(i) non-payment of trunk calls by subscribers;

(ii) compensation paid to public for loss of insured articles and money orders; and

(iii) misappropriation of funds by postal employees?

The Deputy Minister of Communications (Shri Raj Bahadur):

		1947-48	1954-55
		Rs.	Rs.
(i)		755	15,200
(ii)	(a) compensation for insured articles	65,423 (approx.)	168,212 (approx.)
	(b) Loss on account of M.O. frauds	28,963 (approx.)	113,168 (approx.)

(No compensation is paid for loss of a money order but a duplicate Money Order issued).

(iii)	Rs. 83,900	Rs.	6,15,300

The figures at (ii) are exclusive of Assam Circle, from which information is awaited.

C.T.O.

209. Shri Gidwani: Will the Minister of **Food and Agriculture** be pleased to state:

(a) the value of the closing balance of Stores with C.T.O. on the 31st March, 1954;

(b) the amount of Stores purchased by C.T.O. during 1954-55; and

(c) the value of closing balance of Stores on the 31st March, 1955?

The Minister of Food and Agriculture (Shri A. P. Jain):

	Rs.
(a)	1,61,21,632
(b)	49,25,842
(c)	1,59,45,295

(The figures for 1954-55 have yet to be checked in audit).

Employment Exchanges

210. Shri Gidwani: Will the Minister of **Labour** be pleased to state:

(a) the total number of jobs secured by job seekers through the Agency of Employment Exchanges during the year 1954-55; and

(b) the total amount spent on the Employment Exchanges and their allied offices during the year 1954-55?

The Deputy Minister of Labour (Shri Abid Ali): (a) 1,60,952.

(b) Rs. 49.96 Lakhs (approximate).

Road Accidents

211. {Shri D. C. Sharma: / Sardar Iqbal Singh:

Will the Minister of **Transport** be pleased to refer to Unstarred Question No. 1170 on the 27th September, 1955 and state:

(a) the number of road accidents in Delhi since the 1st April, 1955 so far; and

(b) the number among them which proved fatal?

The Deputy Minister of Railways and Transport (Shri Alagesan): (a) 675.*

(b) 54.*

*Information upto 15th November, 1955.

चितरंजन रेलवे इंजिन का कारखाना

२१२. श्री बी० डी० शास्त्री : क्या रेलवे मंत्री यह बताने की कृपा करेंगे कि :

(क) चितरंजन रेलवे इंजिन के कारखाने में अब तक प्रति वर्ष कितने इंजिन तैयार हुए हैं; और

(ख) वहां किस किस्म के इंजिन तैयार हुए हैं ?

रेलवे तथा परिवहन उपमंत्री (श्री अलगेशन) : (क)

साल	कितने इंजिन बने
अक्टूबर १९५० से मार्च १९५१ तक	७
१९५१–५२	१७
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१९५५–५६ (१-४-५५ से ३१-१०-५५ तक)	७०

(ख) 'डब्ल्यू जी' नमूने के बड़ी लाइन के मालगाड़ी के इंजिन

Posts and Telegraphs Staff Quarters

213. Shri D. C. Sharma: Will the Minister of **Communications** be pleased to state:

(a) the steps taken to provide residential quarters to Posts and Telegraphs employees (Class III and IV) in the Punjab Circle;

(b) whether any programme has been prepared in this respect;

(c) the present strength of Class III and IV employees there; and

(d) the percentage of such employees who have so far been provided with quarters?

The Deputy Minister of Communications (Shri Raj Bahadur): (a) 194 units of quarters for Class III Staff and 153 units for Class IV Staff have been constructed so far under the First Five Year Plan at different places in the

[Shri Raj Bahadur]

Circle. in addition, 12 units each for class III and IV are proposed to be constructed before the end of the current Financial Year. More quarters are proposed for construction in due course.

(b) Yes.

(c)	Class III . . .	9658
	Class IV . . .	3512

(d) About 4.1% of Class III and and 18.8% of Class IV have been provided with departmental quarters.

Pipe Water Supply

214. **Thakur Jugal Kishore Sinha:**
Babu Ramnarayan Singh:
Shri Asthana:

Will the Minister of **Health** be pleased to state:

(a) whether it is a fact that Bihar State has submitted schemes to provide facilities for piped water to the places of historical importance, pilgrimage etc.;

(b) names of such places;

(c) estimated cost of the schemes; and

(d) the period under which the schemes are likely to be executed?

The Minister of Health (Rajkumari Amrit Kaur): (a) Yes.

(b) Rajgir, Bodhgaya, Singheshwar Asthan Basukinath and Areraj.

(c) and (d). A statement showing the estimated cost of each scheme together with the period within which the schemes are likely to be executed is attached. [*See* Appendix III, annexure No. 12.]

Leprosy Control Units in Bihar

215. **Thakur Jugal Kishore Sinha:**
Babu Ramnarayan Singh:
Shri Asthana:

Will the Minister of **Health** be pleased to state:

(a) the number and the places where Leprosy Control Units are working in Bihar;

(b) the establishment cost of each unit on different items;

(c) the set-up of staff of each Control Unit; and

(d) the nature of equipments and other things supplied to each unit?

The Minister of Health (Rajkumari Amrit Kaur): (a) Under the Leprosy Control Scheme, three Subsidiary Centres are at present working in Bihar. These are located at Chakardharapur and Gamaria in the district of Singhbhum and at Hura in the district of Manbhum.

(b) to (d). A detailed statement is laid on the Table of the House. [*See* Appendix III, annexure No. 13].

Ahmedabad-Kalol Railway Line

216. **Shri Tulsidas:** Will the Minister of **Railways** be pleased to refer to the reply given to Starred Question No. 2188 on the 27th September, 1955 and state whether the extension of this scheme of doubling of the railway line up to Mehsana is proposed for inclusion in the Second Five Year Plan of the Railways?

The Deputy Minister of Railways and Transport (Shri Alagesan): The proposal is under consideration.

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DEBATES

(Part II—Proceedings other than Questions and Answers)

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(21st November to 9th December, 1955)

ELEVENTH SESSION, 1955

(Vol. IX contains Nos. 1 to 15)

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

LOK SABHA

Thursday, 1st December, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(*See Part I*)

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12 NOON

Shri M. L. Dwivedi: (Hamirpur Distt.): On a point of order, Sir, yesterday during.....

Mr. Speaker: Let the formal business be done. Then, I shall hear him.

PAPERS LAID ON THE TABLE

The Minister of Commerce and Industry and Iron and steel (Shri T. T. Krishnamachari): I beg to lay on the Table a copy of each of the following papers, under sub-section (2) of section 16 of the Tariff Commission Act, 1951:

(1) (a) Report (1955) of the Tariff Commission on the Piston Assembly (Pistons, Piston Rings and Gudgeon Pins) Industry;

(b) Ministry of Commerce and Industry Resolution No. 79(1)TB/55 dated the 23rd November, 1955;

(c) Ministry of Commerce and Industry Notification No. 79(1)TB/55 dated the 23rd November, 1955; and

(d) Statement under proviso to section 16(2) of the Tariff Commission Act, 1951, explaining the reasons why the documents referred to at (a) to (c) above could not be laid within the prescribed period.

[*Placed in Library. See No.* S-418|55].

(2) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Automobile Sparking Plug Industry;

(b) Ministry of Commerce and Industry Resolution No. 21 (5)TB/55 dated the 30th November, 1955; and

(c) Ministry of Commerce and Industry Notification No. 21 (5)TB/55 dated the 30th November, 1955.

[*Placed in Library. See* No. S-419|55].

(3) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Steel Baling Hoops Industry;

(b) Ministry of Commerce and Industry Resolution No. 17 (2)TB/55 dated the 30th November, 1955; and

(c) Ministry of Commerce and Industry Notification No. 17 (2)TB/55 dated the 30th November, 1955.

[*Placed in Library. See* No. S-420|55].

(4) (a) Report (1955) of the Tariff Commission on the continuance of protection to the

[Shri T. T. Krishnamachari]

Motor Vehicle Battery Industry; and

(b) Ministry of Commerce and Industry Resolution No. 5 (1)TB/55, dated the 30th November, 1955.
[*Placed in Library. See No.* S-421|55].

(5) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Alloy Tool and Special Steels Industry; and

(b) Ministry of Commerce and Industry Resolution No. 17 (4)TB/55 dated the 30th November, 1955.
[*Placed in Library. See No.* S-422|55].

(6) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Coated Abrasives Industry; and

(b) Ministry of Commerce and Industry Resolution No. 1 (1)TB/55 dated the 30th November, 1955.
[*Placed in Library. See No.* S-423|55].

(7) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Aluminium Industry; and

(b) Ministry of Commerce and Industry Resolution No. 3 (3) TB/55 dated the 30th November, 1955.
[*Placed in Library. See No.* S-424|55].

THIRD ANNUAL REPORT OF THE SINDRI FERTILIZERS AND CHEMICALS LTD.

The Minister of Production (Shri K. C. Reddy): I beg to lay on the Table a copy of the Third Annual Report of the Sindri Fertilizers and Chemicals Limited for 1954-55. [*Placed in Library. See No.* S-425|55].

REPORT OF INDIAN GOVERNMENT DELEGATION TO 38TH SESSION OF INTERNATIONAL LABOUR CONFERENCE

The Deputy Minister of Labour (Shri Abid Ali): I beg to lay on the Table a copy of the Report of the Indian Government Delegation to the Thirty-eighth session of the International Labour Conference held at Geneva in June, 1955. [*Placed in Library. See No.* S-426|55.]

Shri T. B. Vittal Rao (Khammam): The Delegation was sent in the month of June. The Delegation returned some time in July. May I know why there has been a delay of six months in placing this on the Table of the House. According to the rules of the International Labour Organisation, these reports have to be laid on the Table of the respective Parliaments as soon as possible.

Shri Abid Ali: The Delegation returned in the month of July. The report had to be printed and as soon as printed copies were available, we are placing on the Table of the House.

PREVENTION OF CORRUPTION (AMENDMENT) BILL

Shri U. C. Patnaik (Ghumsur): I beg to lay on the Table a copy of Paper No. IV containing opinions on the Prevention of Corruption (Amendment) Bill, which was circulated for the purpose of eliciting public opinion thereon by the 31st July, 1955.

INSURANCE AMENDMENT BILL

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to move for leave to introduce a Bill further to amend the Insurance Act, 1938.

Mr. Speaker: The question is:

"That leave be granted to introduce a Bill further to amend the Insurance Act, 1938."

The motion was adopted.

Shri M. C. Shah: I introduce the Bill.

PAPER LAID ON THE TABLE
STATEMENT *RE* LEGISLATION BY ORDINANCE

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): I beg to lay on the Table a copy of the Explanatory Statement giving reasons for promulgation of the Insurance (Amendment) Ordinance 1955 as required under Rule 89(1) of the Rules of Procedure and conduct of Business of the Lok Sabha. [*See* Appendix III, annexure No. 14-15].

POINT OF ORDER *RE* USE OF OBJECTIONABLE EXPRESSION

Mr. Speaker: What is the point of order?

Shri M. L. Dwivedi (Hamirpur Distt.): Yesterday, during the course of the debate on the Constitution (Amendment) Bill, an hon. Member referred to another Member by a word which, in Hindi, is very bad. I raised this point of order then. But, the Deputy-Speaker who was in the Chair said that he did not know the meaning of it and asked the hon. Member to withdraw it. But, the hon. Member did not withdraw it. I seek your ruling on this. That word is highly objectionable and I think it should not be in the vocabulary of the Parliament's debates. Therefore, I seek your ruling.

Mr. Speaker: I shall examine the whole thing, and try to know the exact meaning and implication of the word that is objected to and then I will decide.*

POINT *RE* VOTING ON CONSTITUTION (SEVENTH AMENDMENT) BILL

Mr. Speaker: Before we proceed further with the Manipur (Courts) Bill, I have to say that I have got an intimation. I have not read it. The hon. Member left it on my table. I am reading it. It is with reference to the Constitution (Seventh Amendment) Bill. The point raised is:

"Though I was present in the Lobby of the House, I was prevented from casting my vote as the inner doors of the Lobby were locked instead of the outer doors. I wish to raise this point after the Question Hour today and I hope you will give me permission to do so. According to your orders, the Lobby of Parliament constitutes both the outer, as well as the inner enclosures and, therefore, I feel that I was perfectly entitled to cast my vote which I was prevented from doing."

I think the hon. Member will perhaps read the rules.

The Member was present in the Lobby, outer, I believe.

This para in the Bulletin is pointed out to me:

"In order to save time and facilitate the recording of votes during divisions in connection with the Constitution (Seventh Amendment) Bill (set down in the List of Business for the 30th November, 1955 for reference to a Select Committee) it has been decided that out of the existing eight division booths, six booths will be utilized for the 'Ayes' and two booths for the 'Noes'. The two booths

*See Lok Sabha Debates Part II, dated 30-11-55, col. 880.

[Mr. Speaker]

for the 'Noes' will be located in the 'Noes' Lobby enclosed by the wodden partition to the extreme left and the six booths for the 'Ayes' will be located in their usual positions."

To be in the lobby is not to be in the Chamber. From the rules I believe—I am speaking on impression—it is clear, when the division bells are rung for two minutes, after the expiry of that period, the doors of the Chamber are locked. Members who are inside the Chamber for the purpose of recording their votes will only be entitled to vote; not others.

There is also reference to this subject in the Handbook for the Members. It is said:

"Immediately after the bells stop ringing, all the outer doors of the Members' Lobby are closed and the Watch and Ward Staff are posted at each door with standing instructions to prevent any entry through these doors until the division is concluded. Then the person presiding....etc."

Shri Feroze Gandhi (Pratapgarh Distt.—West *cum* Rae Bareli Distt.—East): This is what I was relying upon. I am very glad you have read it. It says, the outer doors will be closed, not the inner doors.

Mr. Speaker: I think he will have to re-read the language of the handbook. The inner doors are what you see from here. The outer doors are the other ones. The hon. Member confounds the loose expression outer lobby with the exact technical expression of lobby for the Members. That is the difficulty. I do not think this point arises. Anyway, it should have been taken immediately thereafter. Now, after the result of the division is declared, I do not think I can revise that.

Shri Feroze Gandhi: How can I do it then?

The Minister of Defence (Dr. Katju): What exactly is the result of the division? Does the motion for reference to the Select Committee fail? Does the Bill disappear altogether?

Some Hon. Members: Yes.

Some Hon. Members: No.

Mr. Speaker: *Prima facie*, I may say, it appears to me that a similar or any other motion on the Bill cannot come. That is what I feel. It has to be examined. After examination, if I feel any doubt about it I shall refer the point to the House. It may be argued for and against. Then I will decide.

Dr. Katju: The Bill is not rejected at all.

Some Hon. Member: Yes.

Mr. Speaker: Order, order. That particular motion is not passed. That is all.

Shri T. N. Singh: There is one point on which I require clarification in view of what you have just said. You have said that the right moment for raising the point would have been when this question was before the House yesterday when the result was declared. This may be another case. Supposing a Member is kept out for some mistake or some high-handedness of the people there. And I have to raise the point about my being kept out. When the results have been declared you say we cannot raise that point. In that case, what is the remedy left to us? Apparently such points will have to be raised after the declaration has been made. So, for future guidance, I would like to have clarification.

Mr. Speaker: I should say that this question of future guidance is a problematical one. I need not decide it just now, but I shall see on each occassion as the question arises. But when the result is declared, it is a final declaration of the decision of the House, and it will require a lot of consideration before the result can be revised by subsequent representation by a Member that he was kept out by fraud or

force or any other circumstances. There is no such allegation here.

Shri Feroze Gandhi: You say that this should have been raised immediately after the result was declared yesterday. For about half an hour we did not know what was happening here and we were outside. After the result was declared, the doors were kept locked for a long time.

Mr. Speaker: Order, order. Assuming that the point could be raised after the result was declared, it was open to the hon. Member immediately to come to the House and straight to the Chair. In such circumstances, it is very difficult to decide what the truth is, what the true circumstances were after a long lapse of time.

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): Before the Chair announced the result a chit was sent to him—I think, it was carried by one of the deputy whips—that 15 Members were standing outside. That was before the result was announced.

Mr. Speaker: That really does not touch the point at issue. The point of enquiry is an to why they were out. The *prima facie* reason was that they could not enter in. They should have come in in time.

Shri A. C. Guha: That was the point. They might be allowed to come in.

Mr. Speaker: They could not be allowed. They did not claim any exceptional circumstances, fraud force or any such thing. I have not the chit before me, but *prima facie* their point was that they were late for some reason or other and they should be allowed to come in. How can the Chair go against the rules and open the doors?

Pandit K. C. Sharma (Meerut Distt.-south): I raised the point yesterday.

Mr. Speaker: Now, yesterday's business is closed. We will proceed to the next business.

Dr. Gangadhara Siva (Chittor—Reserved—Sch. Castes): Yesterday, an old Member who was engaged in the post office was not able to reach this House within two minutes. That is the case....

Mr. Speaker: We shall think of revising the rules to enable Members from all over the country to come for a division.

MANIPUR (COURTS) BILL

Mr. Speaker: The House will now proceed with the further consideration of the following motion moved by Shri Datar yesterday:

> "That the Bill to provide for the establishment of a Judicial Commissioner's Court and other Courts in Manipur, be taken into consideration."

I may inform the House that 28 minutes have been taken and 32 minutes are now available for this measure to be put through.

[MR. DEPUTY-SPEAKER *in the Chair*]

Shri L. Jogeswar Singh (Inner Manipur): Yesterday I was pointing out that it is necessary for the judicial officers to be conversant with Manipuri language. The original court must necessarily know Manipuri language. If the Judge carries on his business as presiding officer of the court without this knowledge, the efficiency of the administration of justice will not be up to the mark.

The Bill envisages that the administrative officers who are going to be posted in the hilly areas will be vested with the powers of a civil court. If an administrative officer posted in the hilly areas is vested with the powers of a civil court, he must necessarily know the local customs and the customary laws prevalant in those hilly areas. Otherwise, he will not be in a position to discharge his duty effectively and successfully. The only

[Shri L. Jogeswar Singh]

solution for this is to train young Manipuri law graduates or other Manipuri graduates as the case may be both from the hilly areas and from the plains to become suitable officers in these areas, and after proper training is given to them, they should be appointed.

Because of the peculiar social conditions and the customary laws prevailing in the hills and the plains, the nature of the civil suits in the courts in the plains and in the hill areas is full of complexities. The present Bill does not seek to remove these complexities. The only solution to remove these complexities is to appoint a committee consisting of the present judicial Commissioner, two senior-most Manipuri law graduates who at the moment are the Judges of Manipuri courts and two Manipuri S. D. Os. representing major communities in the hilly areas to advise the Government of India regarding legislation in this matter.

During the change-over in 1949 the powers which were vested in the Maharaja as well as in the then Revenue Tribunal were vested in the Chief Commissioner, as also the powers vested in the then Hill Bench. So, the position of the Chief Commissioner after independence is this, that he has the greatest judicial power. And no appeal can lie against the decision of the Chief Commissioner.

Another point that I would like to mention in regard to the administration of justice in the hill areas is that the so-called justice done in the hill areas is of a harmful and dangerous character because the Deputy Commissioner whose status is lower than that of a district and sessions judge can pass orders of death sentence against the hill Manipuris. I would like to know from the hon. Minister whether the present Bill would remove the anomalies which I have just cited with regard to the powers vested in the Deputy Commissioner is the matter of administration of justice in the hill areas, or whether even after the passing of this Bill the present position would continue and the powers for trying criminal cases would be vested as before in the Deputy Commissioner. I shall be glad if the hon. Minister could clarify the situation.

I think I have now dealt with all the points that need to be dealt with in regard to this Bill, and I hope the Bill will get the assent and approval of all the Members of Parliament, to whatever party they may belong.

Shri Raghavachari (Penukonda): I do not belong to Manipur. Nevertheless, I would like to draw the attention of the House to one or two points which struck me as I read through the Bill.

The first point that struck me is in regard to clause 13, under which the power of admitting, suspending, removing or dismissing the people who are entitled to practise as advocates in these courts is entirely vested in the Chief Commissioner. Of course, I realise that generally the Chief Commissioner here is tantamount to a High Court, and therefore such powers must be vested in him. But the point is that there is no reference to the causes or reasons or the conditions under which he exercises these powers. It seems to be a case of an arbitrary power conferred upon him. So, unless there is absolute subservience there is the danger. . .

The Deputy Minister of Home Affairs (Shri Datar): The words 'reasonable cause' are there.

Shri Raghavachari: I dare say the hon. Minister knows that when discretion is vested in a particular individual, reasonable cause means some cause which he mentions, and then there is an end of it.

Apart from this, what strikes me is that possibly the rules and conditions that ordinarily govern the legal practitioners under the Legal practitioners Act might be made applicable in a way, or at least in the rules to be made something like this should be

provided, for it is essential that some kind of control is there on the exercise of the powers vested solely in the Chief Commissioner. Otherwise, the whole body of lawyers will be at the mercy of this gentleman. If he happens to be a reasonable man, then we can expect reasonable exercise; otherwise, the reasons may be anything.

My second point is in regard to sub-clause (2) of clause 13, which reads:

> "No person other than an advocate, vakil or pleader shall be allowed to plead or to act for parties and accused persons except that any party may appear, plead or act on his own behalf or on behalf of another party if so authorised.".

One can understand that any party may appear, plead or act on his own behalf, because it is not necessary that there must always be a lawyer, and the party may himself become his own lawyer. But you go further and say: "or on behalf of another party if so authorised". That means that one party may plead for another party. At least the words 'in the same case' should have been there. But the provision here only says that one party can plead for another party. That means that every accused, or defendent or plaintiff in these courts can plead for others. In other words, you have allowed a number of people who chance to be parties to become lawyers. That is what this provision seems to imply. At least if you add the words 'in the same case' that would be something.

I can quote to you my own experience in this regard. In our courts, there was one Sivasankara Pillai, against whom there was a case for having done something in connection with a taluk board. He as the president of the board was one of the accused; and there were also 25 other co-accused. Now this man was a lawyer, and so, he said, 'I am an accused, I can plead my own case'. And he added, 'As for the other co-accused, I am a lawyer, and therefore I can represent them.' Thus, he wanted to be an accused and also a lawyer. And that led to another difficulty, for he began to argue as to why he should stand in the dock always. He said, 'When I am put questions I shall be in the dock, but when I plead for others, I shall be in the place where a lawyer should be'. A contention like this actually arose in that case.

So, I would like to point out that the provision here that any party may plead for any other party (not necessarily in the same case) is likely to lead to some kind of confusion. I do not know what the intention of Government is in this matter. Perhaps, there are no lawyers in that part of the country, and therefore the parties are much better than lawyers, or at any rate, they must be given the privilege of pleading the cases of other people. That is how it looks to me. There is probably some such difficulty. So, at least if the words 'in the same case' be added at the end of sub-clause (2) of clause 13, it might possibly lead to some clarification.

Mr. Deputy-Speaker: The words 'save with the permission of the court' are there.

Shri Raghavachari: There are no such words in this clause.

Mr. Deputy-Speaker. If you read sub-clause (3) of clause 39 you will find:

> "(3) The Code of Civil Procedure, 1908, shall apply to all suits and proceedings before the court of an officer invested with powers under sub-section (1) subject to the following exceptions, namely:—
>
> * * * *
>
> (c) no appearance, application, or act in or to court, required or authorised by law to be made or done by a party in such court shall be made or done by a pleader (as defined in the Code of Civil Procedure, 1908) save with the permission of the court;".

Shri Raghavachari: But that refers only to the defence in a civil case. Anyhow, this is one point which may be clarified. That is how it struck me.

My third point is in regard to clause ". I am not sure whether it actually leads to the fear which I am anticipating in my mind, but reading the clause as it is, it looks as if the jurisdiction of the Judicial Commissioner and the Additional Judicial Commissioner is co-extensive and also concurrent. Both of them can exercise all the powers. And between a 'Chief' and an 'Additional', if they could exercise all the powers, sometimes it might lead to confusion. The earlier portion, "Subject to such orders as the Judicial Commissioner may make as regards the distribution of business between himself and the additional Judicial Commissioner", might possibly avoid this confusion that might arise out of these concurrent or co-extensive powers. Otherwise, there is this danger, that people may choose one court for the other. I may just cite an analogy with regard to the Criminal Procedure Code. The revision powers after a discharge vested both in the District Magistrate and in the Sessions Court. Often times people, if they feel that they will have a better hearing—I do not wish to express it exactly—before the District Magistrate, will go to him; if they feel that they will have a better hearing before the Sessions Judge, they will go to him. It is a concurrent affair. Similarly, in all cases where this concurrent jurisdiction is vested, there is the possibility of this kind of consideration coming in. That might possibly be avoided.

Barring these two things, that struck me as I read the Bill, I would welcome the Bill because it now makes for uniform dispensation of justice in the manipur country—the hill and non-hill areas—and this might probably lead to a better and safer administration.

Shri S. S. More (Sholapur) *rose*—

Mr. Deputy-Speaker: The time-limit it 32 minutes.

Shri S. S. More: May I seek a clarification? I do not want to make a speech.

Shri Kamath (Hoshangabad): I am not going to speak on this Bill, but I would like to mention that we have saved about 1 hour and 50 minutes on the Indian Stamp (Amendment) Bill.

Shri M. S. Gurupadaswamy (Mysore): And also time saved on the Constitution (Seventh Amendment) Bill.

Mr. Deputy-Speaker: Let us wait until the session is about to be over. Then we will know exactly how much time is saved. Then we will strike the balance.

Shri Kamath: Here it is easier. It is not for myself that I am speaking.

Shri S. S. More: Clause 8 says:

> "Save as otherwise provided by this Act or any other law for the time being in force, the Court of the Judicial Commissioner shall, with reference to any civil or criminal proceeding under any law for the time being in force in the State of Manipur, be the highest court of appeal, revision or reference".

My submission is that under the Constitution, the Supreme Court is the highest court of appeal, revision or reference. I believe I am correct so far as that position is concerned. Then does this mean that this Judicial Commissioner's Court shall be the highest court of appeal? How can it be? It is more in the nature of a sort of High Court.

Shri Datar: Powers given by the Constitution are supreme and those are covered by "Save as otherwise provided by this Act or any other law for the time being in force".

Mr. Deputy-Speaker: Subject to that, the other thing applies.

Shri S. S. More: My submission is this. If we take notice of that and

concede that the Supreme Court is the highest court, what is the point in saying that in spite of that law, this court shall be the highest court of appeal?

Mr. Deputy-Speaker: Supreme Court has not got normal jurisdiction in every case.

Shri S. S. More: Take, for instance, articles 132 and 136 of the Constitution.

Mr. Deputy-Speaker: Subject to the jurisdiction of the Supreme Court.

Shri S. S. More: What about another question that arises? Under article 226 of the Constitution, the High Courts have the power of issuing writs. As far as this Judicial Commissioner's Court is concerned, has it any power to issue writs, because under the Constitution High Courts have been conferred that power by a special article—226?

Mr. Deputy-Speaker: Is this a High Court?

Shri S. S. More: There is no definition to that effect. So what is the position? As far as Manipur is concerned, this would be the highest court. This will be in the place of a High Court, according to the scheme—if I am correct. But article 226 will not be applicable in this case.

These are the two points for the Minister to examine and say whether there is any substance in what I have said.

Shri M. S. Gurupadaswamy: This Bill wants to take away or remove certain anomalies and discrepancies found in the previous Acts, and this will apeal all the previous acts, in respect of the administration of justice in Manipur.

I want to raise one or two pertinent points in regard to the utility of the Bill. Firstly, we are all agreed that there should be one law in the country and there should be one procedure. Uniformity of law and procedure is a very sacred principle—if not sacred, a very important principle—that should be adhered to by all concerned, especially by the executive. In this Bill, what are we doing? The Bill contemplates giving a law to Manipur different from the laws and practices prevailing in the rest of the country. I feel that this is highly discriminatory. The hon. Minister seems to have said yesterday—I was not here yesterday when he spoke—that the Manipuri people are very simple, comparatively, ignorant and are not well-versed in legal technicalities; so the law that is provided for Manipuris should be very simple. So this Bill seems to simplify the law for the benefit of Manipuris. Here I want to raise a very important issue; that is, whether we should adopt different laws, different procedures and apply them differently to different parts of the country. Is it consistent with the principle of the generality of laws which most of us have accepted?

Apart from this, the Bill gives enormous powers—delegated powers—to semi-judicial and executive officers. For instance, I may draw your attention to clause 9(1). According to this, the Judicial Commissioner may appoint a Registrar and the Registrar may deal not only with quasi-judicial and non-judicial matters, but also judicial affairs when they are entrusted to him by the Judicial Commissioner. This entrustment of judicial powers to an executive official will militate against the very principle of justice. The principle is that the executive officers should not be given or entrusted with judicial powers. That will lead to tyranny. We have been seeing in the last few months how the administration of justice is working in Manipur State and other States on the border. Many instances have been cited by various Members in this House and also by me as to how the laws in Manipur and other areas have been operating. So our previous experience and the present experience show that everything is not all right in the administration of justice in these areas. The main trouble, as far as I know and believe, is that

[Shri M. S. Gurupadaswamy]

there has been perversion of justice or misapplication of justice, because the laws we have made for Manipur, the procedure and practices that are followed by those courts have not been consistent with the fundamental tenets of justice, fundamental principles of law that are applicable to various other parts of the country.

Sir, I want to know what is the special purpose in applying different sets of rules, different procedure, different law and a different pattern to Manipur? I think the only reason that the Minister can give is that Manipur State is a border State, it is a strategic area and it should be treated separately from the rest of India. If that is the reason, I should say that is not a valid reason. Strategy, tactics, expediency or cheapness of administration of justice should not come in the way of giving proper justice or administering proper law. What are you doing? By saying that you want to simplify the law for Manipur State you are taking away justice from the Manipur people. By saying that you want to give a simple procedure, you are entrusting a lot of powers to the executive officers. What is the Judicial Commissioner's Court? According to the Bill, the Judicial Commissioner is appointed by the President. He can be there and be removed at the will of the President. There are different sets of courts provided, District Courts, Subordinate courts and munsif's courts. But the rules for these courts are framed by the executive officials. Most of the sections of the Criminal Procedure Code and the Civil Procedure Code are given a go-by by the Minister. For what purpose? What is it that he is achieving by doing so? Is it because the Manipuris do not understand law that he brings this measure? Most of our people are ignorant of law. Take any part of India. You will see the common man cannot understand the technicalities of law and the rules of procedure. But, that does not mean that we should apply different sets of laws or simplify laws for the sake of simplification. That is not necessary. And, as I said before, it will militate against the very spirit of democracy and the spirit of the Constitution.

Administration of justice should be governed by the fundamentals of jurisprudence. Justice should not be distributed by executive officials in a summary fashion. There should be proper evidence, proper procedure in the courts and there should be separation of powers between the judiciary and the executive. We have accepted all these tenets for the rest of India. Why not we apply the same thing to the Manipur State? I beg of the Minister to consider all these, matters and see whether this particular law, if passed, will not set up a bad precedent, a bad law for a part of our country. I appeal to him that this Bill may be withdrawn and a new Bill may be introduced on the lines of other legislation. I appeal to him again before I close that this is a very bad law and I think the Manipuris will not be happy for it.

Shri Datar: Sir, a number of hon. Members have raised certain points while generally approving of the provisions of this Bill. I should like to answer all of them as briefly as possible.

The hon. Member from Manipur, Shri Jogeswar Singh, raised two or three questions. One was about the language to be used in the courts of Manipur State. In Manipur, Manipuri and English are official languages used in the courts; and, whenever it is found that any of the litigants does not know either English or Manipuri —because there are tribal languages also—then the proceedings are translated by civil interpreters attached to the court. I would assure the hon. Member that proper steps would always be taken for bringing home to the litigant the nature of the proceedings that are going on by interpreting them either in Manipuri or in any of the tribal languages to which he is accustomed. Under the Code of

Civil Procedure, which will subsequently be applied, these two languages will be recognised as the official languages of Manipur, namely, Manipuri and English.

So far as the local customs are concerned, even now the local customs are being followed. But, the suggestion made by my hon. friend Shri Jogeswar Singh is worth considering and, therefore, with a view to meet his point, I am just putting in an amendment by which I shall be making it clear that where, in any suit or proceeding, it is necessary for any court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, any custom, if there be such having the force of law, or any personal law governing the parties or the property of the parties to such suit or proceeding shall form the rule of decision except in so far as such custom or personal law has, by legislative enactment, been altered or abolished.

Therefore, this new clause 42 which is to be added to this will meet the objection that the hon. Member has in view. It has been further stated that in the absence of any such custom that the Judge shall give his decision according to the justice, equity and good conscience. These are the ordinary provisions and, therefore, with a view to.....

Shri Kamath: On a point of order, Sir. I expected—less than 24 hours after the defeat of the Government yesterday on the Constitution (Amendment) Bill, Members would be more attentive to the provisions of the Constitution and the rules made here. At least when the Minister is speaking, I expected that the ruling party would provide him a quorum. On a shortfall of only 2 the Government was defeated yesterday. There are hardly 20 or 25 Members now.

Shri Kasliwal (Kotah.—Jhalawar): It is nearing one o'clock.

Pandit K. C. Sharma (Meerut Distt.-South): They should have been present here. At least the Whip should be present; he is paid for being present here.

Mr. Deputy-Speaker: I will have the bell rung.

I wonder what attraction is there in the Hall which is not here.

The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha): The only way to have quorum is to close that Hall.

Shri Datar: May I proceed now?

Mr. Deputy-Speaker: It may be possible for the Opposition to defeat or rather prevent or block the passing of Bills sponsored by Government by absenting themselves from the House. There are several cases in which they can obstruct. Therefore, there is no point in counting on the Opposition to constitude the quorum to keep the Bill going. If it is a Bill where the Government is interested, they must always take care to keep the quorum because the Opposition cannot be trusted to help the Government. The hon. Minister may continue.

Shri Kamath: At any rate in this matter, no.

Shri Datar: In order to meet the point raised by my hon. friend, I am requesting you to allow an amendment which will be added as a new clause—it will be clause 42. It will point out that the customary law will have the force of law except where the custom has been abrogated or altered by any legislation, and that will meet the point that the hon. Member has raised.

Some other friends have raised one or two questions. So far as the application of the procedural law is concerned, there is no distinction at all between the rest of India and Manipur except to a very small extent, and that has been pointed out in clause 39. All that has been done is that instead of a written application, an oral request shall be taken into account and the procedure for re-

[Shri Datar]

cording evidence should be as simple as possible. My hon. friend Shri Gurupadaswamy will kindly understand that there is no desire to apply any other laws to Manipur. Therefore, my submission is that the administration of justice would be the same in Manipur as in the other parts of India.

So far as the objections raised by Shri Raghavachari are concerned, you will find that the position has been made very clear in the Bill itself. A lawyer or an advocate who has been allowed to practise can do so except where on reasonable grounds the Judicial Commissioner or judicial officer comes to the conclusion that his conduct is not proper. In all the other Acts like the Legal Practitioners' Act, we have got similar provisions.

One point was made out by him that a party can appear on behalf of another party to a suit or a criminal proceeding. I have just found in the Code of Civil Procedure a similar provision allowing one party to authorise another party, either the plaintiff or the defendant as the case may be, to carry on the work of a civil suit or a criminal complaint, and therefore there is nothing objectionable or unusual so far as this question is concerned. The rules that are to be made in this connection are the rules made by the Judicial Commissioner in consultation with the Chief Commissioner and, therefore, all the objections that have been raised are answered by me. I would point out again to this House that the principles of justice have not only not been taken away but they are fully made applicable to the Manipur Courts.

Mr. Deputy-Speaker: What difference will it make regarding clause 8? Some statement was made regarding writs and so on.

Shri Datar: In this connection I would invite your attention to clause 45, which says:

"The Court of the Judicial Commissioner established under section 3 is hereby declared to be a High Court for the purposes of articles 132, 133 and 134 of the Constitution; and the provisions of the Judicial Commissioners' Courts (Declaration as High Courts) Act, 1950 shall apply to that Court as they apply to a Judicial Commissioner's Court in existence at the commencement of this Act."

Mr. Deputy-Speaker: The question is:

"That the Bill to provide for the establishment of a Judicial Commissioner's Court and other Courts in Manipur, be taken into consideration."

The motion was adopted.

Clauses 2 to 41 were added to the Bill.

Mr. Deputy-Speaker: The new clause that is proposed will be added as clause 42 and the existing clauses 42, 43, 44 and 45 will be renumbered 43, 44, 45 and 46.

Shri Datar: I beg to move:

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after line 34 *insert*:

"42. *Certain decisions to be according to custom or personal law.*—(1) Where in any suit or proceeding, it is necessary for any court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, any custom (if such there be) having the force of law, or any personal law, governing the parties, or the property of the parties to such suit or proceeding shall form the rule of decision except in so far as such custom or personal law has, by legislative enactment, been altered or abolished.

(2) In cases not provided for by sub-section (1) or by any other law for the time being in force,

the court shall decide the suit or proceeding according to justice, equity and good conscience."

Sir, this is a new clause that is to be added and it will be clause 42. The existing clauses 42 to 45 will be renumbered as 43 to 46.

Mr. Deputy-Speaker: The question is:

"42. *Certain decisions to be according to custom or personal law.*—(1) Where in any suit or proceeding, it is necessary for any court under this Act to decide any question regarding succession, inheritance, marriage or caste or any religious usage or institution, any custom (if such there be) having the force of law, or any personal law, governing the parties, or the property of the parties to such suit or proceeding shall form the rule of decision except in so far as such custom or personal law has, by legislative enactment, been altered or abolished.

(2) In cases not provided for by sub-section (1) or by any other law for the time being in force, the court shall decide the suit or proceeding according to justice, equity and good conscience."

The motion was adopted.

Mr. Deputy-Speaker: The question is:

"That new clause 42 be added to the Bill."

The motion was adopted.

New clause 42 was added to the Bill.

Amendment made:

Renumber existing clause 42 as clause 43.

Renumber existing clause 43 as clause 44.

Renumber existing clause 44 as clause 45.

Renumber existing clause 45 as clause 46.

—[*Shri Datar*]

Mr. Deputy-Speaker: The question is:

"That clauses 43 to 46 stand part of the Bill."

The motion was adopted.

Clauses 43 to 46 were added to the Bill.

Shri Raghavachari: About the new clause I wish to point out that we have passed other laws uniformly applicable to all in the rest of India except a particular community. You want some customary law which is current in this part of India to be valid in this Act. In that case, you must say "Notwithstanding anything contained in other laws etc., etc." and that would be a much better wording.

Shri Datar: Even now customary law is prevailing in various parts of India and custom in some cases has actually the force of law; custom need not be proved.

Shri Raghavachari: What I was submitting was just to use the wording "Notwithstanding anything contained in other laws....."

Shri Datar: It has been made clear here that if at all any custom having the force of law is there, then only this section will come into operation; otherwise, it will be governed by the ordinary laws.

Mr. Deputy-Speaker: Yes, that is the intention and it is all right.

The question is:

"That clause 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 1, the Enacting Formula and the Title were added to the Bill.

1 P.M.

Shri Datar: Sir, I beg to move:

"That the Bill, as amended, be passed."

Shri U. M. Trivedi (Chittor) *rose*—

Mr. Deputy-Speaker: We have already exceeded the time allotted. I will put the motion to the House.

The question is:

"That the Bill, as amended be passed."

The motion was adopted.

An Hon. Member: One hon. Member is standing, Sir.

Mr. Deputy-Speaker: He is standing for another Bill.

RAILWAY STORES (UNLAWFUL POSSESSION) BILL

The Deputy Minister of Railways and Transport (Shri Alagesan): I beg to move:

"That the Bill to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions, passed by Rajya Sabha and as reported by the Select Committee, be taken into consideration."

The House will remember that almost all the implications of the Bill have been gone into very thoroughly on the previous occasion when this Bill was before this House. In fact, during that discussion several doubts and apprehensions were expressed by hon. Members who participated in the debate saying that the definition is too wide and innocent persons may be put to difficulty and they may be harassed. It was with a view to remove those apprehensions and doubts that I agreed to the motion for reference to a Select Committee and it will be found that the Select Committee has made very considerable changes in the wording of the Bill. In fact, the objections raised have been sought to be met by the Select Committee and I should say the Bill as it has emerged from the Select Committee should be considered much more satisfactory even by those hon. Members who previously expressed doubts regarding this measure.

There are only two clauses in this Bill. I shall just point out the changes made by the Select Committee. Clause 2 of this Bill seeks to define the term "railway stores" more clearly. With regard to clause 3 it was apprehended that it put a great burden on the accused because he had to prove that he came in possession of the article lawfully. Even that has been modified and a certain responsibility for proof has been thrown on the prosecution now. So, if the prosecution has to establish its case now it has to prove three definite things which were not in the Bill previously. Now, they must prove: (i) that the property is the property of the railway administration, (ii) that the accused was in possession of such property and (iii) that the property is reasonably suspected of being stolen or unlawfully obtained. If the prosecution proves these things then it is for the accused to prove that the article lawfully came in his possession. Unless he is able to prove that he suffers the consequences of the law. It would be noticed that some hon. Members—perhaps I should say that they have been unkind enough—have appended dissenting minutes. But, even they, I should point out, have admitted that the Select Committee has certainly improved upon the original Bill. Shri Nambiar and Shri K. K. Basu have said: "We recognise that substantial improvement has been made on the original Bill by the Select Committee." Even my friend Shri Raghavachari says: "The modified definition is certainly an improvement."

Shri Kamath (Hoshangabad): Why "even Shri Raghavachari"?

Sardar Hukam Singh (Kapurthala-Bhatinda): He had an objection in the first stage.

Shri Alagesan: I am prepared to omit the word "even" if my hon. friend takes exception to that.

Pandit Thakur Das Bhargava (Gurgaon): He said "even" and not "add".

Shri Alagesan: Now, I would certainly add that even Pandit Thakur Das Bhargava.....

Shri U. M. Trivedi (Chittor): The hon. Minister could have used the word "even" for Pandit Thakur Das Bhargava.

Pandit Thakur Das Bhargava: And add for some other Member.

Shri Alagesan: Pandit Thakur Das Bhargava has said: "The Railway Stores (Unlawful Possession) Bill has, I recognise, emerged from the Select Committee in a greatly improved form." So, it will be seen that whatever objections were there in the minds of hon. Members have been sought to be removed and they should be satisfied with this.

One or two things have been said in the dissenting minutes. Shri Nambiar and Shri K. K. Basu have said that if the railway claims that the property belongs to the railway then the burden of proof shifts to the accused. It is not so. As I said the prosecution has not only to just claim the property so that the proof shifts to the accused, but it has also to prove that the property actually belongs to the railway administration and also prove several other things. It is not merely a claim that will suffice.

Again, the implications of section 410 I.P.C. are sought to be brought in by my friends Shri Raghavachari and Pandit Thakur Das Bhargava. This being a special measure I should not like to bind myself with it. Then the whole rationale behind this special law goes. I can as well go to the common law of the land to punish people who come to be in unlawful possession of railway property.

So, I would only point out that I am unable to accept the implications of the dissenting minutes or the various amendments that have sprung from the implications of the dissenting minutes.

Pandit Thakur Das Bhargava: Mr. Deputy-Speaker, I should think that it is not right on the part of the hon. Minister to dismiss all the amendments without hearing us. After all an hon. Minister cannot come to a definite view without hearing the Members. I think he is open to conviction.

Shri Alagesan: I am prepared to hear. I am only giving my first reaction. I do not set a limit to the hon. Member's persuasive capacity. It is almost limitless.

Shri Kamath: And you said you are open to conviction.

Shri Alagesan: But, I should like to remind the House....

Mr. Deputy-Speaker: Were all these amendments brought in at the Select Committee stage?

Shri Alagesan: I was going to tell you that. Many of these amendments have been put forward at the Select Committee stage and it was not possible for the Select Committee to accept them. But the hon. Members have every right to again present them here, appeal to the House to accept them and so on.

Pandit Thakur Das Bhargava: Some of them were raised by you, Sir, while sending the Bill to the Select Committee and many of them have urged at the time when the Bill was sent to the Select Committee. The Select Committee did not consider all these things.

Mr. Deputy-Speaker: I was not a member of the Select Committee.

Pandit Thakur Das Bhargava: You were present here in the House during the debate, you took part in the debate and you pointed out the defects at that time. These defects still continue.

Shri Alagesan: I would like to remind the hon. Members that I almost succeeded in convincing the House about the necessity of this measure as if was and the need for passing it. It was only in a moment of weakness or

[Shri Alagesan]

generosity—whatever it is—that I agreed to the motion for Select Committee moved by my hon. friend. But I am not sorry for that.

Sardar Hukam Singh: Members feel that you must show that kind of weakness again!

Shri Alagesan: I should not call it weakness. In fact, they are the strong points of democracy. They go to strengthen the democratic traditions. So, I am not sorry for what I have done but I should only appeal to the Members that having gone so far with them they would be a little kinder....

Shri Kamath: You want to retreat now?

Shri Alagesan:..and would reciprocate and do the same thing to me by approving it. I agreed to the reference to the Select Committee because I not only want the consent of the House in anything that I do but the willing consent of the House. Not only do I want the approval of the House but the hearty approval of the House for anything that I do, and it was for that reason that I agreed to go to the Select Committee and accept the modifications that the Select Committee thought fit to effect.

Mr. Deputy-Speaker: Motion moved:

> "That the Bill to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions, passed by Rajya Sabha and as reported by the Select Committee, be taken into consideration".

Pandit Thakur Das Bhargava: I do not know whether I should thank the hon. Minister when he says that it was in a moment of weakness that he agreed to accept the motion for reference to the Select Committee. As a matter of fact, so far as the report of the Select Committee is concerned, it also ponits out that some improvements have been made. It is not only that the dissenting Members who recognised this but the hon. Minister himself recognised this and he was pleased to give us a better definition of railway stores property. Therefore, he should not be sorry and should not say that it was in a moment of weakness that he did so. He is so sweet and reasonable that my difficulty is, I cannot find words to say anything to contradict him. When he said that it was in a moment of weakness, I took him at his word. But I think, at the same time, that it was a very good weakness and that he would show a similar weakness today also!

Shri Kamath: It is mutual!

"परस्परम् मावयंत:"

Pandit Thakur Das Bhargava: I think we will all reciprocate the desire that the Minister has just evinced. Now, when Shri Alagesan speaks in this House, we all forget that he is sitting there as a Minister. We do not see that he is a Minister sitting there and we are all humble Members. As a matter of fact we are all at one with him in saying that so far as the railways are concerned, it is the national property of the whole of India in every way and at the same time its property rights and possessing rights should be respected and may be protected. All the same, while saying all this, the hon. Minister has reminded us of democracy also. He has just told us that it was in a democratic spirit that he accepted the motion and improved the Bill. May I again very humbly remind him of that democracy? In our law there is no difference between the Government and an ordinary individual so far as civil litigation is concerned. Both go to the same courts, both apply in the same way and the rules of evidence and procedure are the same for both. Even in criminal law, Government is a party and accused is also a party and both are parties to the cases. The law of the land as propounded by Dicey holds good for every democracy

and for every democratic country and for us also. I would like, therefore, to say that so far as the property of the Government is concerned, it may be on the same basis as private property. If you cannot find a better law than it is today, for private property there is absolutely no reason for your swearing by democracy for making a distincion between Government and private property. Both must be protected and the laws must be the same and the accused must be punished in the same way.

Now, what do we do? Last time, our friends in this House criticised the Government when they wanted that sanction should be obtained in case a public servant is involved in the case. We know that in France, there is a different law in this matter, but in India, the law is the same. It is on this ground that I base my argument—on the basis of democracy—to which my friend has just referred. May I humbly point out that today, if a person commits theft of railway property, what is the position? He is in the same position as the thief who commits theft of private property. There is no difference whatsoever. Section 380 is the same. The punishment is the same. But in regard to this unlawful possession of railway stores, my friend wants to make a distinction. He wants that the punishments may be enhanced to five years and at the same time the presumptions in relation to the proof may be changed. So far as the punishment is concerned, in spite of his swearing by the democratic spirit, I can understand that punishment may be a bit enhanced, because, as a matter of fact, the railway property can be stolen in a number of ways. The railways extend to about 34,000 miles and their property is lying here, there and everywhere and lends itself of being easily stolen. Therefore, if the punishments are at a bit tightened, I have got no objection, though, at the same time, I do want that if the railway servants themselves, who ought to be the protectors of this property, commit the same offence the punishment should be greater in their case. Therefore, I have submitted an amendment for the consideration of the hon. Minister that the possession of stolen property must come within the meaning of section 410 of the Indian Penal Code. I have also suggested four years for five years as regards punishment for ordinary thieves, five years for thieves who are railway servants. But, at the same time, I am loath to change the other aspect, namely, the manner of proof and other presumptions in regard to theft, whether it is railway property or ordinary property. Though it is true that in some respects the definition of railway property has been changed, the Bill has returned from the Select Committee in an improved form. To quote myself, . "the amendment suggested by the Government has limited its wide scope and the potentiality of harassment to innocent persons has been to an extent minimised". This is true so far as it goes, but, at the same time, even now, if you kindly consider the provisions of the Bill, you will come to the conclusion that, as a matter of fact, it is still of such a wide scope that many innocent persons will be brought in and there will be great harassment to the accused.

I have submitted some suggestions also in my dissenting note to which, with your permission, I would like to refer. But before I do so, I would rather like to say a few words, even on the definition of railway property, for your consideration. In the first place, at the time when the Bill was referred to the Select Committee, I took objection to the words "or intended to be used". May I humbly ask you as to who is the person whose intention to use the property is to be found? "Intended to be used" is too wide. We know some items are bought by the railways and some things are manufactured by the railways today, and tomorrow, an expert says they are unusable. There are improvements made from day to day and therefore they go out of use. Then those properties are sold in public. They are not destroyed and then the public come to possess it. So, whose intention is to be looked to?

[Pandit Thakur Das Bhargava]

The intention at a particular period of time—the intention in 1955—may not be the same as the intention in 1957 or 1960. Therefore, these words are too vague. These words should not be allowed to remain here. They are not only vague but my humble submission is that they are not capable of being proved; they cannot be proved. In fact, the words in clause 2(a) are: "which is the property of any railway administration;". In a case of this nature, you have to save the railway from itself. The Government have taken too much burden upon themselves. It will be impossible to prove that it is railway property. To prove that it *is* railway property will be impossible. Therefore, my humble submission is that, though the hon. Minister has made such a provision, he has taken too much burden upon himself. In practice we will find it is difficult. When the accused persons are brought into the meshes of the law, he will not be able to discharge his burden ordinarily. It will be most difficult to discharge the burden of proof. He has made it impossible for himself or for the prosecution to prove the offence against the accused. This is the result of the change in the definition. As a matter of fact, the whole thing is such that it could not be improved. The railways have imposed too much burden upon themselves and they will never be able to discharge it. Mr. Deputy-Speaker, you really struck the right point when we were discussing this and pointed out to the hon. Minister at that time that it might have been the property of the railways to start with 50 years before, but the railways must prove that at the time the stolen property was found in the possession of another man or sometime near that, it was the property of the railways. If it cannot be proved, that the railways were in possession of that property up to that time, it is impossible to secure a conviction. The objection that you yourself had pointed out is of such vital importance to this case that on this point every case shall be shattered. After all, theft or receiving or possession of stolen property knowing it to be stolen is an offence under the ordinary law. But here possession itself becomes an offence. Unless the possession of the railways is proved up to the time that it was stolen, it is futile for the railways to say that "we shall prove that it is our property." What is the use of proving that it was the property of the railways ten years ago?

Mr. Deputy-Speaker: If at any time within a period of 5 years it has been proved that the property has been in the possession of the railways, will that be a reasonable case?

Pandit Thakur Das Bhargava: Let the time limit be 2 years, 3 years or even 6 years, I do not mind. But the reality is this. If the property was in the possession of the railways say 50 years ago, and if the railways still say "we do not know when the theft took place; but it is our property" how can they prove this offence? They cannot prove it. Therefore, your objection and my humble objection do remain, namely, that it is impossible to prove these things.

Mr. Deputy-Speaker: It cannot become the property of some other man because the theft took place 100 years ago; but still, unless there is a reasonable time-limit, it may be rather difficult. The time-limit may be, say, 5 or 6 years. For instance, in income-tax law, they say "if there is an evasion for 8 years..." etc.

Shri U. M. Trivedi: There is no limitation in criminal laws. Crime knows no limitation, except under the provisions of the mercantile law.

Pandit Thakur Das Bhargava: There is no limitation for bringing a case; that is all. But, at the same time, if you say that 100 years ago, it was the property of the railways, will that do? According to section 110 of the Indian Evidence Act, a person in possession is deemed to be the owner of it. There is a presumption that good title is referable to possession.

Suppose a person is in possession of any railway property. The presumption of law is that he is the owner of it. It might have been the railway's property 100 years back; but today I am in possession of it; that means I am the owner of that property under section 110. You know that the railways auction their property, and it has come to my possession. There are a hundred and one ways of possessing railway property. Under any law, can possession by itself be an offence? It is only when there is a certainty that it is stolen property or when there is a reason to believe that it is stolen property, that it will give rise to a presumption. It may be that the person is in possession of the property in the meaning of section 411. But what does this section say? It merely says "possession"; not even "recent possession". I draw the attention of my lawyer friends in this House to section 114, illustration (a), according to which, unless the possession is recent, no presumption whatsoever arises. All possession is deemed to be lawful, unless it is recent possession of stolen property. First of all, it must be proved that it is stolen property. According to section 410, if it is a property in respect of which theft, robbery, dacoity, crime, breach of trust or misappropriation has taken place, then the question arises about its possession. So, if the possession is recent, then the courts can raise a presumption under the particular circumstances of the case that he may be regarded as a person who is a thief or receiver of stolen property. What happens in the present case? Possession by itself is made an offence. This is an extraordinary piece of legislation. In 1944, the circumstances were different; it was an emergency legislation. But today they want to change the law of the land and at the same time they want to make it obligatory upon the courts; they really want to change the illustration of section 114 (a). It is quite wrong in principle. According to that, the court has got the discretion to raise a presumption or not to raise a presumption, according to the particular circumstances of the case. But here they make it obligatory. Not only that; I can understand that there will be some sense if the word "recent" is there. But it is missing. Therefore, it means that when possession has taken place at howsoever distant a time, presumption becomes compulsory.

I find every word here is objectionable. For instance, the words are "reasonably suspected of being stolen or unlawfully obtained". I would ask the hon. Minister to be kind enough to explain whether "reasonably suspected" applies to both "stolen" and "unlawfully obtained", and whether the person in possession reasonably suspects that it is stolen property of which he has come into possession or whether it is the court's suspicion. Whose suspicion is this?

Shri S. V. Ramaswamy (Salem): The prosecution is there to....

Pandit Thakur Das Bhargava: I am sorry the hon. Member has missed the point. I am humbly asking whether the words "reasonably suspected" refer to the accused person or whether they refer to the article. If it refers to the article—as it did in the original Bill—the courts must come to the conclusion that the property can be treated as reasonably suspected stolen property. The article may be reasonably suspected of being stolen, but it might not have been stolen; the property may be reasonably suspected of being unlawfully obtained; but it might not have been unlawfully obtained. The murder may not be committed; but the accused may be hanged. That is what it comes to. Unless and until it is proved, can any property be called stolen property? Reasonably suspected of being stolen is quite different from being stolen. If it is only reasonably suspected, then the position is absolutely indefensible. If it refers to the article, then, though it might not have been stolen in fact, the position is absolutely indefensible. I under-

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stand the Select Committee in its wisdom wanted to substitute these words "reasonably suspected" to correspond with the words in section 411 and impart the element of *mens rea*.

In section 411, I.P.C. the wording is: "Whoever dishonestly....."—the word dishonestly is not here—whoever dishonestly receives or retains any stolen property knowing or having reason to believe the same to be stolen. This is the *mens rea* for the case. Unless the man knows that it is stolen property which is in his possession, unless he has reason to believe that it is stolen property, he is not guilty. If a person honestly comes by certain property, if he does not believe that it is stolen property, there is no offence whatsoever. These words 'reasonably suspected' can refer to the accused. When he is in possession, for that possession to be such as would bring him within the clutches of the law, must be of an article reasonably suspected to be stolen property. It must be an article which is being reasonably suspected as stolen property. If that is the meaning, I can understand that though the law is not clear, it is not as good as section 411. The words there are knowledge, etc. Knowledge is quite different from reasonable suspicion. The other wording is, having reason to believe that it is stolen property. Believe is also a much stronger word than suspicion. There is a world of difference between believe and suspicion. Therefore, there is absolutely no reason why we should substitute the words 'knowing or having reason to believe' by the words 'reasonably suspected'. My difficulty is, I am fighting with a phantom. According to the original Bill, it was for the courts to come to the conclusion whether the property is stolen or not. I can understand, and it must be the experience of every person, in courts—though it happens very rarely—that a person supposed to be dead comes into the court alive after the accused has been ordered to be hung. Therefore, in a case in which theft is not proved, it is not only idle but it is absolutely wrong in principle to hold that the court can come to the conclusion that the property was reasonably suspected of being stolen though as a matter of fact, proof of theft is being dispensed with. Therefore, my submission is, if these words refer to the person, these words should be substituted by, 'knows or having reason to believe'. If these words refer to the article, there is every reason to change these words. Instead of proving theft, we only say there is reasonably suspicion of the property being stolen property. In both these ways, it is wrong and these words should not be kept here.

May I refer to article 20 of the Constitution which says....

Mr. Deputy-Speaker: May I submit for the consideration of the hon. Member, all this was said and he had an opportunity to speak about these matters in the Select Committee also. I am not preventing him from saying them again to convert this House which is already thin.

Shri Kamath: Lunch thinness.

Mr. Deputy-Speaker: If the hon. member intends moving any amendment, he may say something more there. I leave it to him. If he converts the Minister, he converts, otherwise, not.

Pandit Thakur Das Bhargava: Am I to understand that only such points as have been referred to in the Select Committee can be referred to again?

Shri Kamath: The Minister himself said that he is amenable to conversion.

Pandit Thakur Das Bhargava: Is there any rule....

Mr. Deputy-Speaker: There is no rule at all. All these points were urged before reference to the Select Committee. I agree that this House

is not committed to the principle of this Bill because it has emanated from the Rajya Sabha any more than a motion for reference to a Joint Committee. We are not in any way committed and the whole thing can be argued again. The same points have been argued at length at an earlier stage. I am leaving it to the hon. Member to choose the more important points. If he considers all the points important, he can do so. I do not want to stand in the way. But, if it is a point which has already been considered, some consideration may be given to that also. That is all.

Pandit Thakur Das Bhargava: In fact, I am not quoting those authorities which I quoted then. I have got them before me. I do not want to take the time of the House on them. At the same time, I am raising some new points which, though I raised them in the Select Committee, did not find favour with them or were not considered by the Select Committee. At the same time, I submit that the fact that the Rajya Sabha has passed this Bill is absolutely no reason why I should consider that what the Rajya Sabha has done is right. This is an independent House.

Mr. Deputy-Speaker: This House is not even committed to the principle of the Bill. This is a matter of first impression—not first impression—we have thought about it. This House has to decide upon the question whether it will adopt or not the principle of the Bill. The hon. Member may go on.

Pandit Thakur Das Bhargava: Even in regard to the Select Committee, may I point out, 20 Members were appointed. On the last occasion, 7 Members were present. Even on the first occasion when there was a general discussion 12 Members were present. When these changes were made, ten Members were present. Five out of those Members have given their minutes of dissent. This is what has happened in the Select Committee. I do not want to take my stand on this. I beg to submit that if I am right in my principles, I have full faith in the hon. Minister. Even in the Select Committee he was impressed by the arguments. We have found that he was so good as to change the definition and limit the scope of the definition also. I am convinced that he is amenable to conversion. Therefore, I would beg of you to allow me to submit that this is a very important point which goes to the root of the case. This is an offence against possession and possession is taboo in this Bill on the definition of 'Railway stores.'

Mr. Deputy-Speaker: I am also one among many. Possibly I have no vote unless there is a tie. These are the difficulties.

Pandit Thakur Das Bhargava: We have votes; I know the worth of the vote. You are sitting in the Chair there and you can direct the discussion. Any suggestion from you must be accepted by the Government. Even if they do not accept, it carries great weight at least with us. Perhaps you do not know how weighty your opinions we take to be. I have seen in many discussions, in the case of the Criminal Procedure Code and on many other occasions, a word from you has turned the fate of the Bill....

Shri Kamath: Not yesterday.

Pandit Thakur Das Bhargava: I say, in our favour. I did not mean yesterday. Yesterday also, you do not remember. I would have gone to the other side if the hon. Deputy-Speaker did not say the last words. That explanation was accepted which the Deputy-Speaker suggested. Many of us would not have voted in favour of the Government if the other view was not put forward by the Deputy-Speaker as the right view. Any word or suggestion from you is of very great consequence and very great benefit to us.

I was submitting about article 20 of the Constitution. Suppose we pass this Bill, and the law is changed. Will it refer to possessions which

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have already been transferred? What was not an offence will become an offence by force of this Bill. Will any cases be there in which conviction will take place in respect of possession which was transferred before this Act came into force? This is a very important question. According to article 20 of the Constitution, such offences as involve transfer of possession before we pass this Bill should not come within the purview of this Bill. If that is so, it is all the more necessary that we make a declaration that only such possession will be the subject matter of prosecutions, which take place after this law has come into force. Otherwise, we will be punishing people in respect of offences which were not offences at the time when the possession was transferred.

Mr. Deputy-Speaker: Is this law creating a new offence?

Pandit Thakur Das Bhargava: Yes, a new offence. Previously there was no offence.

Mr. Deputy-Speaker: See clause 3. It says:

> "If any person is found or proved to have been in possession of any article of railway stores...."

The words in the clause are "reasonably suspected of being stolen or unlawfully obtained". Instead of the words "reasonably suspected of being stolen", if it were only "stolen" it would not be a new offence. If the words are "If any person is found, or is proved to have been, in possession of any article of railway stores stolen" it will be an old offence, or existing offence.

Pandit Thakur Das Bhargava: There was previously no law, no such offence as possession of stolen property.

Mr. Deputy-Speaker: "Reasonably suspected of being stolen"—do these words make a difference?

Pandit Thakur Das Bhargava: They make a world of difference.

Mr. Deputy-Speaker: "Or unlawfully obtained"—is that not even now an offence?

Pandit Thakur Das Bhargava: What is "unlawfully obtained"? The Indian Penal Code does not know any unlawful obtaining. It knows extortion, robbery, dacoity, cheating, misappropriation and theft. It does not know what is unlawful obtaining. There may be some other way of unlawfully obtaining. And moreover, as I have just now pointed out with your permission, there is no offence like possession of stolen property in the Indian Penal Code. It is either receiving or retaining stolen property knowing it to be stolen.

Mr. Deputy-Speaker: The original taking may not be an offence, but continued possession after this Act is passed will be an offence.

Pandit Thakur Das Bhargava: Continued possession of even stolen property is not an offence. It is only an offence when it is known by the possessor that it is stolen property. Otherwise, it is no offence. A person may not know. Supposing Shri Kamath in joke puts a pen or a knife belonging to the railway in my pocket. I have got no knowledge that it is stolen. Now mere possession is an offence.

Shri Kamath: Only a knife?

Pandit Thakur Das Bhargava: A knife or anything else.

Mr. Deputy-Speaker: Possession of stolen property knowingly, that is section 411.

Pandit Thakur Das Bhargava: Yes. Here, there is no "knowingly". This is a new offence. Even possession is not an offence. If a person receives or retains, it is quite different. I may keep any amount of stolen property, it is not an offence.

Mr. Deputy-Speaker: We are not now called upon to decide on article 20. When a man is charged with a new offence, he will invoke article 20.

Pandit Thakur Das Bhargava: This should apply only to those who commit the offence after the Act comes into force, not otherwise. I have given an amendment to this effect.

Perhaps it may be thrust on our face again as it was done in the Select Committee that there is a law in Great Britain which is analogous it is said. It was claimed in the Select Committee that when such a law is obtaining in England, why should we not protect ourselves by enacting such a law? If you kindly go through that law, you will find that its very basis is different. There are certain properties about which it can be predicted that they belong to the railways or public stores and none else. For instance, copper wires. Last time we passed the Telegraph Wires (Unlawful Possession) Bill and I supported it. If the hon. Minister could speak of any particular property that it belongs to the railways and nobody else—for instance, some property manufactured in a factory owned by the railways, or for the railways by some factory which only does work for the railways and brands it—I would have no objection, because then I would be on safe ground. It could not pass to private persons unless it is stolen. Then, they will not be able to auction it or sell it or do anything with it. That is the basis of the Act passed in Great Britain. The property has got a particular trade mark. It bears a certain indication that it is railway property. As it will be said against us that we passed the Telegraph Wires (Unlawful Possession) Act, I am replying in advance.

In fact, I am as anxious as the Railway Ministry that railway property should not be stolen. It is national property. It is wrong to say to us that we want that this law may be evaded. I want to make it as certain and as tight as possible. But, at the same time, I do not want any person who comes by any property in a lawful manner, to come in the clutches of law.

The Railways have got Rs. 800 crores worth of property including sugar, grain, bulbs, sleepers—in fact, every kind of property under the heavens. And it has got no mark. It is easily sold.

Shri U. M. Trivedi: May I ask my hon. friend to say how such property like sugar, grain etc., that he enumerated are used in construction, operation or maintenance? It is only with such property that we are concerned.

Pandit Thakur Das Bhargava: May I know what is the railway? Is it suggested that when the railway has got sugar and grain and gives it to its servants, according to law it is not used for construction? Everything is used in construction. It does not mean that only sleepers or rails will be there. You will remember, Sir, there was a committee with Shri Mohanlal as Chairman, which stopped the selling of sugar to railway servants. But even today, the railways buy all these things. There are benches and chairs in the railway schools. Can they not be said to be used in the construction of railways?

Mr. Deputy-Speaker: If it is railway, it is railway line.

Pandit Thakur Das Bhargava: Many things are used in our railways—bulbs, bolts, nuts, fittings.

Mr. Deputy-Speaker: They are all used, but sugar and coffee and tea are not for construction purposes.

Shri B. S. Murthy (Eluru): For the persons who construct.

Pandit Thakur Das Bhargava: Construction and operation. What is the operation of a railway? In the railways, they have got their own catering arrangements. Is that not an operation and maintenance of the railway. We can say edible articles may be taken away. I do not object to that limited construction being put. All the same, there are a hundred and one articles which they them-

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selves buy and sell in the market. What is the guarantee that those things will not be purchased by the ordinary people and that they will not be hauled up? Therefore, my submission is that you should restrict the scope of it, and then if you make it more stringent than the ordinary law, I can understand.

Then, is it an offence against railway property? Theft etc., is an offence against possession, and I have only indicated that you put in the words "which is the property of any railway administration and is possessed by it". It is not against the proprietary rights of the railway that the offence is committed. It is only against the possessory rights. The person who keeps stolen railway property is not a person who denies the right of the railway to certain property. I do not understand why the railway wants to make possession punishable with five years and theft itself with only three years, so that the person committing theft is in a better position than the person who is only in possession of it Both of them should be on the same level so far as this Bill is concerned.

May I then humbly ask the hon. Minister to kindly enlighten the House about the full implication and the meaning of the words "unlawfully obtained". We know of six offences which are in section 410. These are the very words in the amendment which I have taken from section 410 of the Indian Penal Code. Apart from that, what are the other ways in which property can be said to be unlawfully obtained? If these are the only six ways known to law, why not make it definite, so that we understand where we are? What is the use of having vague and meaningless expressions like "unlawfully obtained". It is much better to revert to the wording of section 410 which has been the subject of many legal pronouncements and whose meaning we know definitely.

With your permission I would like to lay special emphasis on at least two particular amendments of mine. Whatever my hon. friend Shri Alagesan may do with the other amendments, I would point out that two of the amendments at least are too important to be missed by him. In the first place, unless the words 'recent possession' are there I would not be satisfied, and I would kindly ask every Member to consider this aspect rather carefully.

In regard to recent possession, there have been many rulings already. I do not want to quote all the rulings, but at the same time, I want to read four or five lines from *The Law of Evidence* where this has been adverted to, and where the meaning has been made more than clear, and some instances also have been given. For instance, an example is given of a person who is found in possession one month after the theft of a watch; in that case, the court comes to the conclusion that there is no presumption at all against the accused.

In the case of cattle, again, if cattle is stolen and a person is found in possession thereof after six months, then there is no presumption whatsoever against him under section 114 of the Indian Evidence Act. In this way there may be many stolen properties which pass off in the market in course of time, and the articles may pass through so many hands in the ordinary course of human conduct and business; in respect of these articles, there is no presumption whatsoever attaching to the person. With your permission, I want to emphasise this particular point. I am reading from page 1275 of *The Law of Evidence* by Shri N. D. Basu:

> "Where a bullock which has been stolen was sold by the accused in another place about two or three months afterwards and though the Magistrate found that there was no direct evidence as to theft, he convicted the accused by invoking the pre-

sumption under illustration (a), *held* that in the absence of evidence that the accused committed the theft the conviction could not be upheld."

Again, on page 1276, we find:

> "No fixed time can be laid down to determine whether possession of articles is recent or otherwise. But every case must be judged on its own facts. If a few stolen articles are found in possession of a person under circumstances which may give rise to the probability of his coming by them honestly sometime after the theft, the presumption under the law might not arise against him."

On page 1274, we have an instance of an axe and a saw:

> "An axe and a saw were stolen on March 1st. On June 1st, they were found in A's possession. This raises no presumption against A."

Similarly, the tools of the railways, which are used by the labourers can be stolen away, and a person can be found in possession of them. In fact, if the words 'unlawfully obtained' are put there, I am afraid no railway officer will be safe, and many persons will be victimised. Files and many other things go to the officers' residences; they are not unlawfully obtained, and no theft is committed, but in the ordinary course of business, these things take place, and if these words are there, all those officers could be punished. Even if a labourer takes the tools that he is using, to his house, to be brought the next day, he can be proceeded against under this provision.

Mr. Deputy-Speaker: Does the hon. Member mean that even in such cases the administration will launch prosecution? On the other hand, I think they usually err on the other side.

Pandit Thakur Das Bhargava: After all, when we are making a law, we must make it fool-proof and knave-proof. As long as our present Ministers are there, I do not think these things will happen, and I have too much faith in them to believe that these things will happen with their knowledge. But they are not everywhere in the railways. There are petty officers, and they can harass the people. In fact, the complaint made by Shri Nambiar last time was that generally they harass the people who belong to the other parties. That was the complaint that was voiced against the railway administration.

Mr. Deputy-Speaker: Is there no section in the Indian Penal Code, to the effect that for civil offences, the magistrate need not take cognisance and he can simply throw it out? Can he not do so?

Pandit Thakur Das Bhargava: It is quite probable that he may not take cognisance, but there is a probability that he may take cognisance; and I want that innocent persons should be protected against that possibility, and should not be punished unless the offences have been proved to have been committed by them. My point is that 'unlawfully obtaining' has no meaning in law. That is why I want that the words 'recent possession' should be there.

Mr. Deputy-Speaker: Is there not too much emphasis that even 99 guilty persons may escape but one innocent man ought not to be punished, and so on?

Pandit Thakur Das Bhargava: If one man also escapes, so much the better. But what is the sense in keeping these words? If the hon. Minister says that this is all right, and that this is what these words mean, then I would not object to those words. But why should they not make the provision here in accordance with the Indian Penal Code, which is the general law of the land? Why should you have the words "unlawfully obtained' in this

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clause? Why should you not have the words 'recent possession' which has stood the test of time for the last sixty years and more?

Mr. Deputy-Speaker: The difficulties of the railways are also there. Everywhere things are not housed properly. In every station, things are stolen away, because they cannot be housed in any particular place. These are the difficulties that they are facing. So, one would expect some constructive suggestion as to how to safeguard these things. What happens now is that a brand new first class coach comes from the Hindustan Aircraft Factory, but in the wayside, some people get into the railway carriage, and remove a handle, or a bulb, or the oil cloth and so on. There is absolutely nothing in the Indian Penal Code or the Code of Criminal Procedure to counteract these things. On the other hand, they seem to favour more the man who steals rather than the honest man who loses his property. I am not making any general remarks, but only I....

Pandit Thakur Das Bhargava: We have just passed the Manipur Courts Bill, and if on the lines of that we do away with the Indian Penal Code and the Code of Criminal Procedure altogether, as your opinion seems to be, then I shall be quite happy, and you can take oral evidence, without writing anything, and the person can be punished. I could understand that sort of thing. But if you want to keep the ordinary law of the land for all other articles, then what is the sense in having these words in this Bill?

Mr. Deputy-Speaker: Can these articles not be stolen and...

Pandit Thakur Das Bhargava: For instance, a bulb worth eight annas may be stolen, and it may be said that since such and such a person is in possession of a bulb, the case is proved against him.

Mr. Deputy-Speaker: But in how many cases does that kind of thing happen? It happens only in a very few cases. On the other hand, I think more persons escape. The higher officer gives the benefit of doubt to the person, and the person escapes. This is what happens in 99 per cent of the cases.

Pandit Thakur Das Bhargava: When the Code of Criminal Procedure (Amendment) Bill was being discussed, the hon. Minister Dr. Katju was pleased to say that in about 87 per cent of murder cases, the accused were acquitted. So, I can see the force of your argument. In fact, I myself want that there should be stricter punishment in cases of this nature. But I do not want that we should dispense with proof or presumptions etc., for these things have been proved by a long course of human conduct and human experience to be the true bulwarks of innocent persons. I quite see your criticism. At the same time I am very sorry that taking things as they are I cannot agree to a provision of this nature. For all these years, this law was not there, and the railways have not all been looted away; on the other hand, they are still subsisting, and in fact they are making good profits, and we are hearing every year as to what they are doing. Further, there is no evidence that crime has increased very much. Only last time, the figures were given to us, and they are not at all alarming.

Mr. Deputy-Speaker: In spite of that, this is what is happening.....

Pandit Thakur Das Bhargava: But may I ask this? What is happening in the land? How many thefts are taking place, and how much of robbery is taking place? But is the administration caring a bit for those things? But in regard to Government property we saw last time that evictors were being made summarily, whereas for private properties, the case goes on for three years

and more, and yet the case is not decided. In this way why should you make a distinction between Government property and private property? I want there should be no distinction between private property and railway property or Government property. So far as offences are concerned, the same principle should apply in respect of both. The punishment may be more in the case of Government property, but at the same time, the manner of proof of an offence should not change the offence. At present, we find that there is one kind of offence for railway property, and quite another kind of offence for all the rest of Government property. Tomorrow, Sardar Swaran Singh may come and say, so much of building material is lying there, so why not make the law stricter with regard to that. If that happens, then will you have different laws for different Government properties? What is the point in having selected the railway property only for these purposes? My humble submission is that it is entirely wrong.

Shri Alagesan: All these points were met very effectively last time. So, I do not want to retraverse the whole ground now.

Pandit Thakur Das Bhargava: I do not want to take my stand in the way in which my hon. friend has done. As per the advice given by you, I did not want to traverse that ground, but now that the objection has come from the hon. Minister I take my stand on those points. It is entirely wrong for the hon. Minister to come and say, all these points have been urged already, and therefore they should not be urged now, and if they are urged, he refuses to consider them; it is absolutely wrong in principle to say so. What is the use of our being told at this time when the law is being changed, and it is being discussed, that these points were raised some time back? Has the House declared its opinion in respect of these matters? It has not, for no vote was taken on the last occasion about these points. Further, the last word does not remain with the hon. Minister, but it rests with the House. So, I am perfectly entitled to urge every possible point which I urged before, and which I am urging now. But since you have advised me, I did not want to take up those points.

Mr. Deputy-Speaker: This is a case of a departure from the ordinary rule of presumption that everybody shall be presumed to be innocent until and unless the guilt is established. Normally, he need not even open his mouth. In a warrant case, he may sit *chup-chap* and throw the entire burden on the prosecution and tear the evidence of the witness to pieces. He may keep quiet in the first cross-examination, in the second cross-examination and so on—I think one of the cross-examinations has now been done away with recently; and he need not open his mouth at all. We have read several cases like this. For instance, there was a young fellow who stole a pig. He killed that pig, and had the meat or pork or whatever it is. Half of it he had under his arm-pit, but then he was caught red-handed. He engaged a lawyer, and had the case argued. Ultimately, he was acquitted. As soon as he was acquitted, he came out and asked the lawyer 'What shall I do with this meat?' The pork was there under his arm-pit, and yet nobody could catch hold of him. These are some of the instances.

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But all the same, with respect to every kind of property, they want to take precautions. In the case of the railways, the property is not confined within the four walls of a house; it is strewn all over the subcontinent. If in spite of want of care some children live for a hundred years, is it a ground for not taking care? Of course, an innocent man ought not to be punished. All reasonable precautions should be

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there. The hon. Minister and others who are in charge of law and other matters should not only protect those people who are innocent, but also take care that general demoralisation does not set in in the country by which every scoundrel escapes and there is no justice for any honest man who loses his property. The Government cannot adopt an attitude of 'Chhod dho' and say 'Let the fellow go away'; in that case, nobody will have confidence in the maintenance of law and order. We are here not in the course of dispensing justice but trying to make the law, and therefore, the law must be made as fool-proof as possible. God himself has not made this world fool-proof; there are a number of fools. We are trying to do the best in the circumstances. Both these points of view must be borne in mind. That is my view. Unfortunately, I have no right to talk; yet I am talking. I am trying under the rules to elucidate for the benefit of hon. Members here the position. Ultimately, before I put the motion to the vote of the House, I can say what I like. Under the modified rules, I am trying to interpret both sides of the case, and elucidate the position.

Pandit Thakur Das Bhargava: You are defending yourself without any accusation against yourself. I congratulate you on the manner in which you lead us.

Mr. Deputy-Speaker: I am finding an enormity of offences all over the country. This property seems to be no man's property. Whenever a property is nationalised, it is no man's property. Nobody ever takes care of it. The man who is in charge of the electric lights puts a bulb in the coach. The next day his younger brother steels it away, and then opens a shop close by. It is impossible to find out whether this bulb was of the railway or not. Once again it comes back into the railway; then again it goes away. God alone knows how these things change hands from time to and God alone must come and investigate these cases! Of course, the hon. Minister and other persons in charge of the Bill do not want to get hold of an innocent man. Of course, there is a danger also in enthusiasm. There may be some mistakes committed. It is the duty of this House to safeguard the innocent people and likewise also infuse a spirit of trust and confidence in the maintenance of law and order by the administration.

If people feel that every thief, by the assistance of a clever lawyer or by the weakness of the law, escapes, I am afraid this administration will go either to the eastern side of the Bay of Bengal or the western side of the Arabian Sea. Therefore, legislators may have both these viewpoints before them, and not merely an abstract principle of law enunciated by a foreign country not related to our present position and conditions in this society. The rule of law may be good. The law of the jungle is different from the highly civilised law of *Devaloka*. But in between, there are *Matsyas* also, good and bad fellows. I have spoken enough, as I would speak on the floor of the House.

Pandit Thakur Das Bhargava: I thank you for the exposition of law that you have been pleased to place before us. I am myself impressed with that. This is not the first time that I have heard you saying this. What you have been pleased to say has entered our soul and we all appreciate it. At the same time.....

Mr. Deputy-Speaker: We are gradually missing hold of the real thing. The man who is wronged goes and complains to the police inspector. An accusation is made. The police inspector does not care. the constable does not care. The distiller goes on with the best of intentions. The poor man is asked not to drink. But the rich man goes on and sends the poor man to jail. He behaves as an honest man and makes tons of money. He undertakes to pay for the maintenance of the poor man's wife for six months. He comes away. Any

man who is interested in the administration of law—particularly those concerned with the legislation—must be anxious to see as to how this kind of wretched mal-administration can be got rid of. Therefore, if there is erring on this side, sometimes an honest legislator may feel, what is the harm in laying down such a law.....

Shri Kamath: Socialistic pattern, Sir.

Mr. Deputy-Speaker: I am sorry I interrupted the hon. Member like this.

Pandit Thakur Das Bhargava: I was saying that whatever you have been pleased to say must appeal to every Member of this House. At the same time, it appeals to me much more, as I know how you feel in the matter. But in this matter, it is not my effort to make the laws stricter than it usually is so far as thefts are concerned. You have been pleased to refer to corrupt police officials etc. and the fact of innocent people being victimised. May I humbly point out to you that this Bill only sets back the clock of law in this way that the entire burden is changed. You have been pleased to refer to cross-examination—first time, second time and so on—warrant cases etc. But here the presumption of innocence is dislodged. What is this law? It is a travesty of law to cast the burden of proof on the accused. Here the duty is cast on the accused to prove his innocence. This is not an ordinary law. Even in ordinary laws, you will find that the burden of proof is cast on the accused only in certain ways. The possession must be recent. Here they want to say—possession at any time. Even if the grandfather got the property and the grandson is found in possession of it, he will be held liable. Is this not a travesty of law? What I am submitting is only that you should bring this law in line with the present law of the land.

If you do so, I do not know whether those effects will follow or not, but it will be clear that the honest man whom you are anxious to protect will not be put within the clutches of the law unnecessarily because the burden will be upon you to prove. This possession may be absolutely honest. The theft may not have taken place. Still he has to account for it. Have you heard a thing like that? Theft does not take place; even then the man is presumed to be guilty of being in possession of stolen goods. This is the law which we are countenancing. According to the previous law, it was for the court to find out whether it is proved that the thing which is the subject matter of the theft is reasonably suspected of being stolen. Here, theft may not have taken place, and yet the man may be convicted—I for one cannot possibly defend this law; I cannot be a party to this law.

Mr. Deputy-Speaker: As I understand it, there must be theft established. The thing may have been stolen by somebody else. But because this man is in possession, the presumption *prima facie* is that he is the thief. Even under section 114 of the Evidence Act, whoever is in possession of stolen property is presumed to be the thief, until he has shown to the contrary. They must establish the theft.

Pandit Thakur Das Bhargava: I am very glad that I have got your support for my point of view, that the theft must be established. I hope every Member in this House will agree with me that unless theft is established, the man cannot be proceeded against.

I only want to say one word more. You were pleased to refer to section 114 of the Evidence Act. I will read out the section, which will show what makes the difference.

Mr. Deputy-Speaker: Knowingly.

Pandit Thakur Das Bhargava: It says:

> "The court may presume that a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession".

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If you kindly enact this, I have got nothing to say; I will not repent for having wasted so much time of the House, if this is enacted. But they do nothing of the kind. Whatever has fallen from you, should have fallen from the hon. Minister.

Mr. Deputy-Speaker: He may wait and see what happens when we come to the amendments.

Pandit Thakur Das Bhargava: All right. But I would only beg of the Minister to kindly accept, if not my reasoning, at least the reasoning of a man whom we have exalted to the Chair.

Shri U. M. Trivedi: Very few of us have the legal acumen and knowledge of criminal law which Pandit Thakur Dasji possesses. But, unfortunately, it appears today that in his zeal to protect the law of the land, he has forgotten the evils that are in existence. Day after day, with all the watchfulness or the want of watchfulness, the carefulness or the carelessness of the railway authorities, thefts do take place. A brand new coach comes into the yard. Before it is even commissioned, before even it is put into use things are stolen, things which seem to us rather odd, which are useless for ordinary purposes and when no ordinary market prevails for those things.

I can give you an illustration, the theft of railway bulbs at Ratlam station. Ordinarily, if you place an order for bulbs of 12 watts, they are not available in the market unless you go to particular sea-port stations or unless they have been indented for by the railway. Ratlam is not a manufacturing station; it manufactures nothing.

Mr. Deputy-Speaker: Are there not marks or names of the railways on these things?

Shri U. M. Trivedi: Sometimes there are and sometimes not; mostly not. You place an order today; even if there are no goods today you will get them tomorrow morning. He will arrange to get them stolen from the railway yards and in any number; this is what is usually happening. I know of this place as I live nearby.

Mr. Deputy-Speaker: Railways are in our places also.

Shri U. M. Trivedi: Yes, Sir. So, this law is made for those people who are in the habit of stealing railway goods and as these things are not manufactured in that place or are not easily available in that place, the suspicion would be that these are stolen property. These persons are greater offenders than the silly, foolish man who steels one or two bulbs. These may be sentenced to 3 years' imprisonment—but these fence must get even more than 5 years, and if this Abolition of Whipping Act had not been passed I would say they should be whipped (*An hon. Member*: Publicly), yes, publicly, to bring home to them that they are not only causing loss to the nation but creating difficulties for us, for the passengers who want to travel.

Mr. Deputy-Speaker: They make children thieves and when the boys are caught hold of, they pay some money to the parents and after three months the boys come out and start thieving again.

Shri U. M. Trivedi: For that reason, the law ought to be more stringent. I am not yet fully satisfied that the stringency is fully established here. The law during the Defence of India Act period was that mere possession itself was an offence. Here you are becoming a little more liberal with thieves. We will have to establish that it is the porperty of the railway administration; we will have further to establish that it has been used or intended to be used in the construction or maintenance of a railway. Supposing there is a thing which was formerly made use of in the railways and which is now obsolete or out of use, even if it is stolen you will not be able to do anything under this law.

Mr. Deputy-Speaker: Not under the ordinary law.

Shri U. M. Trivedi: Under the ordinary law, the difficulties are very many and lawyers know that under the ordinary law you will not be able even to catch them. Even under this law, you will not be able to touch them. What happens is this. Every department of the railway—excuse me for saying this—is full of thieves. Whenever we were young we thought that only those persons who cannot get any job anywhere else, illiterate and uneducated persons got railway employment. But, today, graduates, University graduates are admitted to railway service and they happen to be greater rogues than those whom we used to recruit during the past.

Shri Kamath: Some of them.

Shri U. M. Trivedi: I do not say that every one of them is so. If that were so, the world will not move. There are always some honest and over-honest people. But, this is what happens and the whole reason behind this and the whole problem arises because we have somehow or other eschewed religious education from our curriculum. We say, no religion as we are secular. True, we are secular but here the child is not afraid of doing anything sinful. Teach him some religion, some fundamentals of religion, of any religion so that he may be able to realise that what he is doing is a sin and a wrong. Because he does not learn that he is not afraid of doing anything which is wrong and carries on with it. Therefore, it is most essential that such a stringent law should be passed.

I do not see the importance of the arguments of Pandit Thakur Dasji. It is quite true that section 110 of the Evidence Act lays down one presumption of law and, as has been rightly pointed out by you, Sir, that section 114 lays down another presumption of law. But, here there is no question of presumption. We are making a very positive law about it. We say in clause 3—

> "If any person is found, or is proved to have been in possession of any article of railway stores reasonably suspected....".

and 'railway stores' has been defined in clause 2,

> "....of being stolen or unlawfully obtained....".

Now, this 'unlawfully obtained' is a very wide expression, and I should say that it has been wisely used. What happens is this. It is not that railway servants are going to be caught for taking files home and writing notes and preparing things. This is not the thing for which the law is being made. The law is to be applied only for such railway property as is used for the construction, operation or maintenance of a railway. A paper file or a note is not meant for the maintenance, operation or construction of a railway. What is sought to be protected is this.

Say you want to build a house. You are a railway employee. You are a Permanent Way Inspector. You have got so many best of rails under the imprest stock already issued. You take away 2 rails and have them built in.

Shri T. B. Vittal Rao (Khammam): Cement.

Shri U. M. Trivedi: Cement, nobody can catch. But these are marked 50 lbs. B. B. & C. I. and so on. If you are caught, the immediate explanation is that there was an auction and even the bigger authorities who are hand in glove with those who build those houses say, an auction was held and they have got no record of what was sold in auction but, at one time, there was some auction of scrap and this might have been in that scrap and so on and so forth. Even though there is the mark and it is suspected to be stolen, no prosecution can take place and the prosecution fails. That is why it is necessary to say that he must satisfactorily account as to how he came by it. Such prosecutions have failed by hundreds.

[Shri U. M. Trivedi]

Fortunately, probably, with all his vast experience, Pandit Thakur Dasji has not come across such cases. We had got these prosecutions in Ajmer and Indore. It was difficult to prove that this accused had not come by it honestly. He will keep quiet as you have pointed out. Our law does not require that he should be cross-examined; it does not require that he should make a statement. He can keep mum and let evidence go in, and escape. It is for this reason that the law has been brought in this form that he must account satisfactorily about how he came by that. I have seen houses built up with railway material, railway cement—stolen from the railway—railway steel and even nails from the railway, wood from the railway and even the labourers from the railway. The house is built and when the time comes for such persons to be caught the house is sold and the money goes into the pocket. It is very difficult to trace it. Therefore, this law is absolutely necessary. Just as in the case of purchase of evacuee property,—anybody going to purchase the property of an intending evacuee would do so at his peril,—here also anybody who is found in possession of any article of railway stores suspected of being stolen or unlawfully obtained will do at his peril. That is why absolute liability has been created under this law. These are difficult times in which we are living and unless and until good persons come forward to serve our country with honest motives and raise the standard of the level of the morals, it is essential for us to have such laws as this put on the statute. I do not like it personally; I hate it; it is a castigation on the national character, but we have to take stock of the situation as it exists today. Taking stock of the situation as it exists today, I think that the law that is proposed to be enacted is a useful piece of legislation, and although it does not go to the same length as we had expected, I wish it a speedy passage.

Sardar Hukam Singh: I was also a Member of the Select Committee and there we discussed all these things. There is no doubt that this is an extraordinary law. It is conceded that the burden of proof is being changed, but this is the purpose of the Bill. We have found and realised that the evil is so rampant that some drastic remedy is necessary. With that basic conception, the Bill was brought forward, and admitting it to be so, it was referred to the Select Committee. Of course, the definition in the first instance was wide. The Select Committee considered that there were dangers—maybe even now to some extent—that even innocent persons might be roped in. On the one hand there is the danger that innocent persons might be roped in and we have to avoid it by taking precautions. On the other hand, there are also some measures, as suggested by my hon. friend just now, which ought to be adopted so that this national waste which is occurring so widely may be stopped. Therefore, some means are to be resorted to, some safer course is to be adopted, some safeguards are to be provided so that innocent persons, as far as possible, may not suffer while our law might be able to extend its hands to catch hold of those persons who usually resort to such devices and cause loss to such a wide extent. The Select Committee considered this question dispassionately, and after mature discussion, the Committee came to the conclusion that the definition that is now put in the Bill would certainly provide enough safeguards.

Pandit Thakur Das Bhargava is of the opinion that the definition under the common law should be adopted here as well. But in my humble opinion, the very object of the Bill would be frustrated if we are to adopt the same old definition as we have in our common law under the Indian Penal Code. What is the use of bringing forward this Bill then? It may be thrown out. There is no use of enacting a special law at this moment if the same procedure is to be under-

gone and the same scope is to be left to the offender. In my opinion, the safeguards that have been provided and the changes that have been introduced are sufficient to cover a number of cases. When it has been put on the Railways first to prove, under the definition, that it is Railway property, it is not enough if (a) is proved; the Railways shall have further to prove under (b) that the property is used or intended to be used in the construction, operation or maintenance of a railway. Two things are required to be proved by the Railways. And that would not suffice. Even then, the Magistrate has to find out and come to the conclusion that the person is found or is proved to have been in possession of railway stores reasonably suspected of being stolen or unlawfully obtained. When we take the entire background and the evils that are rampant and when we think that some special remedy is necessary, then I do not consider that anything less would be sufficient to bring about the results that we desire. In my humble opinion, the precautions that have been taken are necessary and they would be sufficient. They would certainly have a check on the persons that usually resort to this evil. If this definition is widened, then the very object of the Bill would be frustrated and there will be no use in enacting the Bill. I, therefore, support the measure, and I think that the precautions taken and safeguards provided are quite adequate for our purpose. I hope that the measure will be passed as it is.

Mr. Deputy-Speaker: Under the definition of "railway stores" as amended now, on the date on which the case is launched, it is the duty of the administration to prove that the property still continues to be the property of the Railway Administration, that it had not been sold. I am only trying to examine the objection that any persons who is in possession of property, which was sold away long long ago, can be accused of this offence. Under this amended definition, it is necessary before a case is launched, for the administration to prove that the article is the property of the Railway Administration. By theft, a title deed is not transferred. But if it has been sold away, it will not be the property on the date of the launching of the case, and therefore we have to exhaust all that. Therefore, this amendment seems to meet the situation and it is not as if any property sold away even fifty or sixty years ago will still be treated as railway property or stolen property. It has to be the property of the Railway Administration on the date on which the case is launched and after that the other man has to explain satisfactorily how he happened to come by it.

Shri U. M. Trivedi: It would not be easy to prove the date of the theft. How can you prove that the property belonging to such and such party on such and such a date was stolen?

Mr. Deputy-Speaker: No servant of the Railway is entitled to sell the property without any specific authority. If I put my bicycle in the possession of somebody, he has custody of the property and not possession. And, whoever takes possession from him becomes the thief himself and this man becomes an abeter. Therefore, it is not necessary for him to prove when this theft took place; it is enough to say that in the usual course the title has not passed from the railway.

Sardar Hukam Singh: Would it not be covered by sub-clause (a) here?

Mr. Deputy-Speaker: That is what I think. Sub-clause (a) of clause (2) covers this. Therefore, all the objections seem to have been answered.

Shri Raghavachari (Penukonda): I was also a Member of the Select Committee. If you will compare the original definition of the term "railway stores" with the present definition here, you will see that the whole thing has been altered. As my friend Sardar Hukam Singh was just submetting, one of the purposes or the very introduction of this Bill was

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to deter thieves by enhanced punishments and also to shift the burden of proof; otherwise, as the Minister in charge of the Bill submitted at the beginning, the ordinary law was there and there was no need for a special law. Enhancement of punishment might have been achieved by amending the Indian Penal Code itself but there was also the idea of shifting the burden of proof.

You know, people who are intimately connected with criminal law have always apprehensions that when any loophole is available innocent people also may suffer. Our attitude should always be to see that ten guilty fellows escape rather than one innocent fellow suffer. We usually see from that angle. Shri U. M. Trivedi has just pointed out that he has seen a number of thefts of railway stores and that he is prepared to pass any stringent law. Even if death sentence was imposed I dare say Shri Trivedi would have said: "Let us hang him." He has got some kind of prejudice against the thieves of railway stores.

Strictly speaking we have to see what are the risks that are involved in a prosecution under this Act and how an innocent man could expect to escape and not get caught. That is the test by which we should go.

Shri Dhulekar (Jhansi Distt.—South): May I draw the attention of my learned friend to the fact that during these 4 or 5 years there have been disposals of railway property. Public auctions have taken place of hundreds and thousands of girders and other railway materials. Now, you are making this law. So, I want to know where does the demarcation lie?

Shri Raghavachari: I will submit now. In this connection we have to carefully see what the present definition contemplates. As you rightly pointed out, now everything is not "railway stores". "Railway stores" is that which continues to be the property of the railway administration on the date of the offence. That is, the date of the theft may not be known, the date of possession may be known, but on the date of the offence it must be the property of the railway administration.

Mr. Deputy-Speaker: I would even go further and say that the date of offence is not known and therefore on the date the prosecution is launched it must be the property of the railway administration.

Pandit Thakur Das Bhargava: What is the date of offence, may I know?

Mr. Deputy-Speaker: Nobody knows. It is not necessary. It places the burden on the prosecution to prove that on the date the case is launched it is the property of the railway administration. If the article in question has not been sold, even if it was stolen 100 years ago it continues to be the property of the railway administration.

Pandit Thakur Das Bhargava: There is no presumption in law that if a property was mine 20 years ago it continues to be my property.

Sardar Hukam Singh: The position may be that there may be one-tenth of a chance, but if the real owner comes in that one-tenth also goes away.

Mr. Deputy-Speaker: Pandit Thakur Das Bhargava and other hon. Members who are lawyers know that different periods of limitation are given for different items of property. If a man wants to acquire possession by title of a Government property the period required is 60 years—it is not 10 or 12 years. Therefore, there is no harm.

Pandit Thakur Das Bhargava: 60 years is for immovable property.

Mr. Deputy-Speaker: I am only citing an analogy. There is a difference between a man who has the property for 12 years and another person who has it for 60 years. So long as a per-

son continues to be a minor we will treat him a minor. We will treat the railway perpetually to be a minor. If it is nobody's property then somebody has to take charge. That is one argument. I am not in favour of the one or the other.

Shri Raghavachari: The next thing is, the definition says: " and which is used or intended to be used." "Intended to be used" is rather a phrase which is capable of some trouble. The first part says: "which is used". Therefore, if something which was used has been thrown out and put somewhere in the scrap stores that is not included here. I for one think that this definition does not make thefts from the stores of property thrown out as unserviceable an offence.

Mr. Deputy-Speaker: Under this Bill.

Shri Raghavachari: I meant under this law; they come, certainly the Penal Code. That is another matter. The trouble is only with regard to the term "intended to be used". I should think that "is need" and the later "intended to be used" in the context must only mean a new thing which was intended to be used rather than an old thing or something which once was used and was thrown away. That cannot be said to be "intended to be used".

Pandit Thakur Das Bhargava: An old thing can be re-used.

Shri Raghavachari: I can understand that. So the burden of proving that such a thing was intended to be used becomes more difficult.

Mr. Deputy-Speaker: I think the hon. Members in the Select Committee have carefully chosen the words. They have not said: "a thing which can be used", they have said: "intended to be used". It is all right to put a thing in the stores and say that it is no longer intended to be used.

Shri Raghavachari: Then also, when any person is found or is proved to have been in possession of an article; the difficulty is about the presumption that arises by mere possession. Certainly under the Evidence Act and the laws of jurisprudence *re* making presumptions they make a difference between 'recent possession' and 'mere possession'. Even in the Indian Penal Code sections the word 'recent' is not there. It is only in the Evidence Act that there is the term "recent possession" under section 114.

Pandit Thakur Das Bhargava: Is mere "possession" an offence under the Indian Penal Code?

Shri Raghavachari: No; it is only in respect of stolen property.

Mr. Deputy-Speaker: Does not section 411 say that the theft must have occurred within a period. Even though the theft might have occurred 100 years ago there is nothing under the law preventing a complaint being launched. But, the court will duly take that into consideration even if 4 days have expired, just as in the case of adjourned motions we ask why it was not brought in time and throw a motion out. So, this is more in practice and it need not be regulated.

Shri Raghavachari: So, my submission is that with regard to clause 3 also the general principles of jurisprudence are applicable to this Act and therefore we need not be really very nervous that the word 'recent' is not there for no hazardous presumption can arise is we take the definition as it is. It also says: "which is the property of the railway administration"; more than that it is said: "reasonable suspected of being stolen or unlawfully obtained". These are, thus additional safeguards.

Over and above all these things, the clause says: "and cannot account satisfactorily how he came by the same". This wording has been obviously put in, not because that the person must prove his ownership or anything like that but that he must

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give a reasonable account as to how he came by that property. The language is capable of protecting innocent people; one difficulty is still there. I agree with Pandit Thakur Das Bhargava that "or intended to be used" is ordinarily a very comprehensive thing; it is a very expansive word; many of our properties or articles which are used in the railway administration never bear a distinct mark. Many articles are manufactured for use in the railways and they may be intended to be used and the railway stores department may reject them; they are all things that are "intended to be used". So, the Committee has put in the words "which is the property of any railway administration" also.

Mr. Deputy-Speaker: The definition consists of two parts: the two parts are not in the alternative but they are cumulative. It must be shown that an ordinary article which is not available for any house-owner or any person who constructs a house in the public market is a railway property or not. If the person knows that it is railway property he should throw it out. But there is no indentification mark exclusively showing that it is railway property.

Shri Raghavachari: There are some safeguards which reasonably protect an honest man.

Mr. Deputy-Speaker: I think the hon. Members in the Select Committee tried to make it fool-proof.

Shri Raghavachari: Not fool-proof. With the co-operation of the Government in that matter, the whole thing was so drafted. The language in the Bill as it was originally introduced was hopeless. Now, it has made a real improvement in the interests of the innocent man.

I have one difficulty there. That is with regard to the words "stolen or unlawfully obtained". There is a possibility of the argument that those words and phrases are used in the sense they conote in the Indian Penal Code. I shall move my amendments when we come to the clause-by-clause consideration of the Bill, and I shall not say anything more about it for the present. On the whole, the Bill is certainly an improvement and there are ample safeguards; we need not be very much afraid that many innocent man will go to jail.

Shri V. P. Nayar (Chirayinki): The word "stolen" has not been defined.

Shri Raghavachari: No.

Shri Bansilal (Jaipur): May I ask for a clarification? So far as the punishment is concerned, the Bill says: "shall be punishable with imprisonment for a term which may extend to five years or with fine or with both." I suppose it is imprisonment of either description.

Mr. Deputy-Speaker: It is so.

Shri Bansilal: It ought to have been mentioned. When it is not so mentioned, then, it is not an imprisonment of either description. There is also another point. Fine has been mentioned. To what extent is that fine to be imposed? I want a clarification on this point also.

Mr. Deputy-Speaker: Order, order. May I suggest one thing to the hon. Members? Why not we proceed to the amendments now? There is very little time. We will proceed to the amendments and I shall allow Members who have not participated so far to speak on the amendments.

Shri Kasliwal (Kotah-Jhalawar): Four hours have been allotted.

Mr. Deputy-Speaker: True, but nearly two hours are over. I shall reserve one hour for the amendments and one more hour for general discussion. The points, whatever they be, need not be repeated. I shall allow ten minutes for each Member hereafter.

Shri Bansilal: Most of the Members who have spoken were on the Select Committee.

Shri Kasliwal: I would not take more than ten minutes.

Mr. Deputy-Speaker: Was Shri Kasliwal a Member of the Select Committee?

Shri Kasliwal: Yes.

Mr. Deputy-Speaker: Then, Shri Kasliwal will resume his seat.

Shri Kasliwal: Only five minutes.

Mr. Deputy-Speaker: All right; I shall not call any more Member who has been on the Select Committee.

Pandit K. C. Sharma (Meerut Distt.-South): I was not a Member of the Select Committee.

Mr. Deputy-Speaker: I shall call him next.

Shri Kasliwal: Really, there is nothing left for me to speak, but Pandit Thakur Das Bhargava has made one point and Sardar Hukam Singh has also clearly stated that this is a special law. Shri Trivedi has gone exhaustively into the reasons why such a special law is necessary. As to how far the rights of the accused are affected is the only thing I want to refer to. If you will please compare clause 2 with the previous clause as so many other Members have said, sub-clause (a) has been added in clause 2 and it says:

> "which is the property of any railway administration".

In the original Bill, the Railway was not at all bound to prove such that such and such property was the property of the Railway. So, in order that the prosecution may be launched and a charge may be framed against the accused, this will be the one point which the railway will have to prove. But, to prove that it is the property of the railway, you could also say that it "continues to be the property of the railway". That is one point on which prosecution will depend.

The second point that the prosecution will have to prove is that it "is used or intended to be used in the construction, operation or maintenance of a railway". My friend Shri Raghavachari has raised some doubts about these words: "or intended to be used". I submit that the railway purchases large stores and they are kept as such and they are intended to be used. It does not merely mean that the stores have been auctioned or have been given away. If the stores have been auctioned and had been taken away by somebody, they are no longer the property of the railway. It is only that property which has been stored for purposes of being used for the railways, for the operation, construction or maintenance of the railway, that will go into the category of railway stores. So, if you take out these words, "intended to be used", that will upset the definition. Every railway store is meant to be used and it is intended to be used for such purposes.

The third point which the railway will have to prove will be that the railway store is reasonably suspected of being stolen or unlawfully obtained. You will please see that these words were not put in clause 3 in the original Bill but have been added now. Before a charge is framed by the court, the railway will have to prove these things: that it is the property of the railway; that it is intended to be used for the purposes of the railway and that thirdly it is reasonably suspected of being stolen. It is only after the charge is framed that the burden will shift on to the accused and the accused will be called upon to say how he can account satisfactorily for having come by the possession of those stores. The words in the original Bill were: "unless he proves that the article came into his possession lawfully". You will see that the new words which have been substituted go a great deal in favour of the accused. The accused has to say, as Shri Raghavachari said, or rather, he has to account satisfactorily how he came by the property. He need not prove but explain his lawful possession. With these improvements suggested by the Select Com-

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mittee, I submit that the Bill is all right. The Bill as considered by the Select Committee has been an improvement over the original one, and I support the Bill as proposed by the Select Committee.

Pandit K. C. Sharma: With all respect to the speeches that have been made, I fail to understand the meaning of the words "reasonably suspected of being stolen or unlawfully obtained". What would be the criterion to come to the conclusion that it is a property which is reasonably suspected of being stolen or unlawfully obtained? Practical difficulties will arise which will take you nowhere and it will be a piece of law which practically would be of no use at all. As Pandit Bhargava has said, under section 411, the possession of stolen property is an offence, if the man who is in possession of it knows it to be a stolen property or has reason to believe that it is stolen property. In the interests of society, a man should not lend himself to the commitment of any crime at all. A man who comes into possession of stolen property knowing that it is stolen property, although he pays for it, abets the commitment of that crime. Therefore, he commits an act which is against the interests of society and against the social well-being of the people; it is an offence. "Reasonably suspected of being stolen" cannot by any stretch of imagination be equated with "being stolen". If a man is a lawful owner of a property, under the law he has the right of possession thereof. So, unless there is a transfer of possession and that transfer is unlawful, under the principle of criminal jurisprudence, as we understand it, an offence is not committed. But I do not agree with Pandit Bhargava that the possession by itself would be a guarantee of the lawfulness thereof. Neither any case of nuisance nor any case of offence can be justified by the long duration of time, if the operation thereto has been declared an offence under any Act. If a man is committing nuisance, he cannot justify it by saying, "I am committing nuisance for the last so many years." Similarly, if a man is in possession of stolen property, it is an offence under section 411 and if the man says "I am in possession of this property for the last five years", the duration of time will not legalise that offence. There is no such thing as legalising of an offence by duration of time. It is not a matter of civil right. So, duration of time is no defence either in the case of an offence or nuisance.

With these observations, I still emphasize that if the words would have been as they are in section 411, then the law would have been much better, and there would not have been much difference. I do not think the Railway Ministry will gain anything by keeping these words. I would make one other observation before I conclude. Because of your lack of supervision or administrative inefficiency, you take resort to a measure which is not justified by law. Why not have have stricter supervision over your stores? Why not ask your people to work properly and hard? Instead of proceeding in the right way, you take resort to a wrong measure of doubtful efficacy. With these words, I conclude my speech.

Shri T. B. Vittal Rao: I do not fully support this measure. As it has been said, it is an extraordinary piece of legislation and I am doubtful whether this Bill will serve the laudable objects for which it is intended. We all know that thefts of railway stores take place and there is loss. When one considers the quantity of the stores used by the railways in a year and compares it with the loss, one is doubtful whether it is of that magnitude to make the Railway Ministry come forward with this piece of legislation. It has been stated here that railways are national assets and everything should be treated as public property and so on and so forth. During a year the railways use stores worth Rs. 100 crores and the loss due to thefts etc., according to the estimate of the Railway Ministry comes to Rs. 15 or Rs. 20 lakhs. Generally,

some stores are such that if they are stolen they do not cause public annoyance. For instance, if a tin of varnish or a piece of leather is stolen from the workshop, it does not cause public annoyance. But if an electric bulb or some other fittings are stolen, it does cause some public annoyance. Sometimes loss of such material greatly endangers the lives of the travelling public. But do all these things justify an enactment of this kind? I am afraid the present legislation will only lead to a number of prosecutions; it is not going to reduce the thefts. I say that you must strike at the root of the evil. For instance, while we are making a legislation for the loss of only Rs. 20 lakhs worth of material, every year we are paying claims for the goods lost or damaged on our railways nearly Rs. 3 to Rs. 3½ crores by way of damage. Is it not a big thing? Is it not loss to the exchequer? Is it not the money of the tax-payer that we are losing? Therefore, methods should be devised to check effectively these thefts and prevent loss of stores. I have been a railway servant myself and I have seen all these things being done. In a railway workshop, almirahs are made for the officers. I do not mind almirahs being made, but they should be charged the cost price and also 12½ per cent. supervision charges. But an almirah worth about Rs. 100 is given for a nominal price of Rs. 15 or Rs. 20. There was a small workshop for the repair of motor cars in the Railways in Hyderabad. There, the cars of all the officers used to be repaired. Actually, the materials used in the repairs would be costing about Rs. 100 or Rs. 150. The voucher will be made out for Rs. 50. It is an open secret; many people know it. One effective way of checking these thefts or preventing of loss of railway stores is to take some drastic action against the officers who misuse their power or abuse their power. Only then can we stop that.

3 P.M.

Enough has been said about the mechanics of the law in this connection and the principles of criminal jurisprudence. I shall not go into all that as a lay man. Today, the Railways are spending a huge amount of money on the maintenance of the security force. One of the reasons why such a force has been organised was this. There are 60,000 men in this force. They can effectively check this if they perform their duties for which they are appointed. Then, I do not think there will be any necessity for having this law. I am afraid this will only lead to the launching of more cases by which we will not only not prevent thefts or loss of material, but we will be spending more money for conducting these cases. These are the two grounds on which I oppose this Bill.

(SARDAR HUKAM SINGH *in the Chair*)

Another point is this. The Railways being model employers, they should not have any special privileges. I am asking the Government whether they are prepared to pass a similar legislation if the Ahmedabad Textile mill owners request the Government to pass such a legislation: "Textile stores Unlawful Possession Act." The Indian Mining Association or the Indian Mining Federation may come forward and ask for a similar legislation. Certainly not. In the collieries there are important stores which, if lost or stolen by anybody, would endanger the lives of hundreds of people. This will be a bad precedent. There are so many nationalised undertakings in the States today. Motor transport in the State of Hyderabad is fully nationalised. Taking this as a precedent, they may come forward and pass the Motor Transport Stores Unlawful Possession Act. This will be a bad precedent. I strongly oppose this Bill.

Shri Dhulekar: I have heard carefully the speech of Pandit Thakur Das Bhargava. But, I could not understand why he was very anxious about the burden of proof that would be placed on the accused. In this Bill, there seems to be nothing strange. Railway stores is defined as property which is property of the railway administration or which is

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used or intended to be used in the construction, operation or maintenance of a railway. Further, the prosecution has to prove that this article of railway stores has been reasonably suspected of being stolen or unlawfully obtained. These words, reasonably suspected of being stolen or unlawfully obtained, have a very wide meaning. When a prosecution is launched, it has to be proved first of all that the property was at a particular place, secondly, that the property was not transferred to any person in any lawful manner, thirdly, that that property was found somewhere else and that it has not also been accounted for in the railway department and that it was not made a gift of or transferred. So many things are to be proved. When the prosecution takes upon itself such a big burden of proof, first of proving that it is railway property, second, that it was in the possession of the railway, third, that it was not legally transferred to any other person and forthly that it has been found in the possession of the accused, I think it is all right. It is stated that because the accused is in possession, he will be convicted. That is not so. The words here are, 'cannot account satisfactorily how he came by the same'. The word 'satisfactorily' is very important. If the word 'satisfactorily' was not there and if it were only, 'cannot account how he came by the same', the position would be different: 'Satisfactorily' means that he should prove that his possession is *bona fide* possession. He can show that he purchased these bulbs to which my hon. friend Pandit Thakur Das Bhargava referred. Suppose he shows in his accounts that he is in the habit of purchasing things from a particular store and he has kept an account which shows that he has purchased the bulb for 6 annas or 8 annas which is the normal price in the market, he has certainly accounted for the matter satisfactorily. But, suppose he keeps an account, but does not show the price or shows that it was purchased for 2 annas, I would say that the intention is clear. If a person says that he purchased property worth 12 annas for 2 annas in the open market, that is, in the chor bazaar, his intention is very clear. Why did he purchase a bulb which is normally sold for 12 annas for 2 annas. Therefore, I do not believe that these words 'cannot satisfactorily account how he came by the same' is such an injustice, to a person who tries to prove that he is very honest, but still has purchased property worth Rs. 10 in the open market for Rs. 2.

Further, I would say that the property of the railway is quite different from those sold in the open market. Their pumps, gaddies, and other things are quite different. Even an ordinary man knows that this is not property sold in open market. I have not seen the fans used in the railways anywhere else. They are not available in the open market. Even their nails are quite different. Now, people build their houses with old rails. Have they not got eyes to see that these are old rails belonging to the railway? Big contractors have some contract with the railway officials. They purchase them. The Watch and Ward people steal them. They sell in the market to some merchants, and then the merchants openly sell these things to the ordinary people. I say that although we may say that 99 criminals may escape punishment still one innocent person may not be punished, with regard to the Railway department the time has certainly come when 99 innocent persons may be punished rather than one criminal allowed to escape.

I am at Jhansi. In the Railway workshops there every day people take parts of iron, parts of copper or brass, just bind them in their legs, wear pyjamas and walk away. Every day these things are seen. Good timber which is worth Rs. 12 per foot is sold there at Rs. 3 or Rs. 4 per maund and these things are burnt in the houses of these railway employees. This is going on every day. Motor cars are being repaired there. Parts are made and they are put in the

officers' motor cars. All the clerks and *Babus* are getting everything from the railway workshops.

My friends may say that this is peculiar law, but I say that my professor said that law is commonsense, and if law is against commonsense, I would say that it is no law at all.

Shri S. V. Ramaswamy: Codified commonsense.

Shri Dhulekar: It is commonsense that the railways should prove that it is their property, that the property has not been legally transferred by the administration, that they reasonably suspect that it is stolen and finally that the man was in possession of it. It is said that it is very difficult for an innocent person to prove it, but I say that the burden has been put upon the magistrate to decide whether he reasonably suspects that the property has been stolen. The Railway Prosecutor cannot simply come to the court and say that he reasonably suspects. That is not it. The words here "of any article of railway stores reasonably suspected of being stolen or unlawfully obtained" mean that there has to be a decision by the magistrate or the presiding judge that he reasonably suspects that the property has been stolen or unlawfully obtained.

Pandit Thakur Das Bhargava: The accused need not suspect that it is stolen? He need merely possess.

Shri Dhulekar: It is not necessary.

My learned friend asks whether the accused should suspect or not. I have already submitted that the accused ordinarily knows, when he purchases an article, whether he has purchased it *bona fide* for the full price. Whenever such cases come, it will be certainly railway property. I do not think the railway will go into the bazaar, purchase an article and sell or transfer it and then come upon an innocent person saying he is the thief. That is not it. Railway stores will be railway stores. When they find that property has been lost and that man is found in possession of it, then they will prosecute him and it is for the magistrate to decide whether he reasonably suspects or not. After that decision has been taken by the magistrate, the accused may produce a cash memo for his purchase and name the person from whom he has purchased. He cannot say that things have just come down from the heavens. If he reasonably proves that there is a person who has got a shop and that he is an honest dealer, certainly he has satisfactorily explained to the court that he is innocent.

श्री बंसीलाल : मैं इस बिल का विरोध करने के लिए खड़ा हुआ हूं। मैं इसका विरोध इस लिए नहीं करता कि रेलवे के सामान की चोरी नहीं होती बल्कि यह अपराध तो दिनों दिन बढ़ रहा है । परन्तु मेरा विरोध इस बिल पर दो कारणों से है । पहली बात तो यह है कि इस बिल को पेश करते समय हमारे देश के जो और कानून हैं, पैनेल कोड (दण्ड संहिता) क्रिमिनल प्रोसीज्योर कोड (दंड प्रक्रिया संहिता) या एविडेंस ऐक्ट (साक्ष्य अधिनियम) और जो कौमन ला (सामन्य विधि) है, अपराध के सम्बन्ध में जो हमारा न्याय है और न्याय से सम्बन्धित जो कानून हैं, उनका ध्यान नहीं रक्खा गया है ।

विरोध का दूसरा कारण मेरा यह भी है कि जिस मक़सद के लिए यह बिल पेश किया गया है और जो कानून बनाया जा रहा है उससे उस अपराध की कोई रोकथाम नहीं हो सकती । इन दोनों ही कारणों से मैं इस बिल का विरोध करता हूं ।

मेरे वयोवृद्ध मित्र पंडित ठाकुर दास भार्गव ने इसके विरोध में जो दलील पेश की है, मैं ऐसा महसूस करता हूं कि उन बातों पर पूरा ध्यान नहीं दिया गया है । जब हम कोई कानून बनाते हैं तो यह हम को जरुर ध्यान रखाना पड़ेगा कि उस कानून के बन जाने के बाद भी उस अपराध में कोई रोक थाम होती है या नहीं । अगर अपराध में रोक थाम नहीं होती तो अपराधियों

[श्री बंसी लाल]

को ज्यादा प्रोत्साहन मिलता है। इस बिल में कुछ बातें ऐसी हैं कि जिस से कानून बन जाने पर अपराधियों को सजा मिलना मुश्किल है और कुछ शब्द ऐसे भी इस में आ गये हैं कि जो हमारी न्याय प्रणाली के बिल्कुल विपरीत होते हैं। खास तौर पर मैं ध्यान दिलाऊंगा "रीजनेबिली सस्पैंटेड" (उचित रूपेण संदेहजनक) की और अब तक हमारे यहां के फौजदारी मुकद्दमात का जो आधारभूत सिद्धान्त है वह यह है कि ससपिशन (संदेह) पर किसी भी अपराधी को सजा नहीं हो सकती। whether it is reasonable suspicion or otherwise (संदेह उचित है अथवा अन्यथा) इस प्रकार के शब्द कानून में रखना मैं समझता हूं कि जो लोग हमारे देश के कानून के पंडित हैं, वह इस प्रकार का कानून रक्खें और रीजनेबिल ससपिशन पर किसी को सजा हो सकती है तो मैं समझता हूं कि यह शब्द अनुचित हैं।

दूसरे शब्द इस में आये हैं "unlawfully obtained" (अवैधरूपेण प्राप्त)। कोई भी आदमी किसी कबाड़ी के यहां से चोर बाजार से कोई रेलवे का सामान खरीदता है और उस के बाद में जब उस से पूछा जाता है तो वह कहता है कि मैं ने तो यह सामान खरीदा है, तो मैं नहीं समझता कि उस में अनलाफुलनेस क्या आ गई।

Shri Dhulekar: It is not that it is in the *chor-bazar.*

श्री बंसीलाल : अनलाफुल (अवैध) नहीं होगा, यह हो सकता है कि उस ने लाफुली (वैध रूप से) खरीदा हो, इसलिये जो पहला अपराधी थीफ (चोर) है उसका तो इस में जिक्र ही नहीं है क्योंकि सारे बिल की आधारभूत शिला पजेशन (अधिकार) है। अगर पजेशन थीफ के पास न हुआ और दूसरे के पास चला गया और फिर थर्ड हैंड (तीसरे व्यक्ति) में चला जाता है तो थीफ अपराधी कैसे हो सकता है? रेलवे में जो चोरी होती हैं उसमें चोर सामान को अपने पास नहीं रखता, वह बेचता है और कोई भी आदमी जिस के पास इस प्रकार का सामान मिलता है वह कहता है कि मैं ने तो चोर बाजार में खरीदा है। मैं नहीं समझता कि वह गिरफ्त में आ सकता है।

श्री सी० डी० पाण्डे (जिला नैनीताल व जिला अल्मोड़ा दक्षिण पश्चिम व जिला बरेली उत्तर): आप चोर बाजार न कहिये, कबाड़ी कहिये।

श्री बंसीलाल : अब समझिये कि वह गिरफ्त में कैसे नहीं आता। उस के लिये तो यही है कि वह बतायेगा कि उस ने किस तरह से यह सामान खरीदा है, और ज्यों ही वह यह बता देता है कि उस ने इस प्रकार से सामान खरीदा है, उस की खरीदारी अनलाफुल नहीं रहती। आखिर, अगर आप यह समझते हैं कि यह भयंकर बीमारी रेलवे के सामान की चोरी हमारे देश में बहुत फैल गई है तो उस की रोक थाम होनी चाहिये। और अच्छा होता कि अगर सेलेक्ट कमेटी इस अपराध को रोकने के लिये कोई जोरदार बिल इस सदन में पेश करती।

Shri Dhulekar: Cannot account satisfactorily.

Mr. Chairman: Hon. Members who have had their chance already should remain content with their lot.

श्री बंसीलाल : "कैननाट ऐकाउन्ट सैटिसफैक्टरिली" तो कुछ ऐसे शब्द हैं जिस के बारे में हमारे न्यायालयों के सामने बड़ी कटिनाई पैदा होगी। मैं एक ऐडवोकेट (अधिववता) की हैसियत से यह बात कहता हूं कि अगर हम कोई भी कानून बनाते हैं तो वह कानून इस प्रकार का होना चाहिय कि उस का ऐडमिनिस्ट्रेशन (प्रशासन) हो सके। हम कानून बनाते हैं न्यायालयों में कानून जायेगा। उस के लिये कुछ पैमाना होगा, सैटिसफैक्टरिली उस का ऐकाउन्ट होना चाहिये। "रीजनेबिल सस्पिशन" (उचित संदेह) कुछ इस प्रकार के शब्द हैं जिस से अपराधी आसानी से बच सकता है।

इस के अलावा अगर यही मंशा थी कि इस अपराध को रोका जाय तो आगे चल कर हम देखते हैं कि सेन्टेंन्स (दण्ड) के बारे में इस बिल में काफी लीनिएन्सी (रियायत) बरती गई है । अगर अपराध वास्तव में बहुत फैला हुआ है तो उस की रोकथाम के लिये "आर" (या) का शब्द नहीं इस्तेमाल करना चाहिये था । वार टाइम (युद्ध काल) में हम ने देखा कि बहुत से आर्डिनेन्सेज (अध्यादेश) ऐसे बने थे जिन में इम्प्रिजनमेन्ट (कारावास) लाजिमी था, खाली फाइन (अर्थ दण्ड) नहीं था । उन में यह था "विद इम्प्रिजनमेंट फार ए टर्म" (कुछ समय के कारावास सहित)। हमारे सम्माननीय मंत्री ने, जिन्हों ने यह बिल पेश किया है, इस में कानून की दृष्टि से यह नहीं रक्खा है कि "इम्प्रिजनमेंट आफ आइदर डिस्क्रिप्शन" (किसी भी प्रकार का कारावास) । The phrase 'imprisonment for a term which may extend to five years' or 'offence punishable with imprisonment of either description' ought to have been used here also.

इस के अलावा जहां "आर" (या) शब्द इस में रख दिये गये हैं वहां सजा लाजिमी होनी चाहिये थी । जब आप समझते हे कि अपराध इस प्रकार फैला हुआ है तो उस में "आर" के बजाय "एंड" होना चाहिये था । अगर कोई अपराधी साबित हो जाता है तो उस के अन्दर दिया है कि : "extend to five years, and with fine or with both". आर (या) की वजह से मैजिस्ट्रेट (दण्डाधीश) के हाथों में शक्ति होती है कि अपराधी को सिर्फ जुर्माना कर के ही छोड़ द । इसलिये अगर आप वास्तव में कानून को मजबूत बनाना चाहते हैं तो मैं समझता हूं कि इस में "आर" (या) के बजाय "एंड" (और) शब्द होना चाहिये । ताकि इट मे हैव डेटरेन्ट ऐफेक्ट (इस का भयोत्पादक प्रभाव हो)

एक बात बर्डेन आफ प्रफ (प्रमाण का उत्तरदायित्व) के बारे में कह दूं, उस के बाद मैं खत्म कर दूंगा । अभी कई मित्रों ने कहा कि इस बिल में बर्डेन आफ प्रूफ किसी भी हालत में मुलजिम पर नहीं रक्खा जा सकता जब तक कि हम अपने न्याय का ढ़ांचा ही न बदल दें । कल यह कानून बनता है, मान लीजिये कि किसी आदमी के पास कोई चोरी की वस्तु है । जैसा कि सब को मालूम है रेलवे के काफी डिस्पोजल्स (उत्सादन) होते हैं । कानून बनने से पांच, छः वर्ष पहले की कोई चीज़ किसी आदमी के पास पाई जाती है तो वह भी गिरफ्त में आ जाता है । नतीजा यह होगा कि जहां हम एक अपराध को रोकने के लिये कानून बनाते हैं वहां दूसरे लोगों पर भी जो कि इन्नोसैंट (निरपराधी) हैं मुकदमें चल जायेंगे, उनको परेशानी होगी और हमारे देश के किसी भी नागरिक की इज्जत सुरक्षित नहीं रह सकेगी ।

इस लिये मैं इस बिल का, जिस फार्म में कि वह इस सदन में हमारे सामने आया है, विरोध करता हूं । जो बहुत से खयालात हमारे वयोवृद्ध मित्र भार्गव साहब ने रक्खे हैं, मैं आशा करता हूं कि आप उस पर ध्यान देंगे । यह न हो कि हम अपने अपराध की रोक थाम करने के जोश में एक ऐसा कानून बना दें जो कि कानून जानने वालों की निगाहों म कमजोर साबित हों ।

पंडित डी० एन० तिवारी (सारन दक्षिण) : मैं रेलवे के डिप्टी मिनिस्टर (उपमंत्री) साहब को मुबारकबाद देता हूं कि उन्होंने इस बिल को यहां रक्खा है । मैं समझता हूं कि इस से भी स्ट्रिंजेन्ट मेजर (सख्त विधान) आना चाहिये था । जैसी बीमारी होती है वैसी ही दवा दी जाती है । रेलवे में चोरियों की बीमारी इतनी भयानक रूप पकड़े हुये हैं कि जिस का वर्णन नहीं किया जा सकता और जिस का अन्दाज़ सब लोगों को नहीं है । अभी हमारे माननीय सदस्य श्री विट्ठल राव न कहा था कि हर साल

[पंडित डी० एन० तिवारी]

२५, ३० लाख रुपये की चोरियां होती हैं। मैं समझता हूं कि अगर सब चोरियों के आंकड़े इकट्ठे किये जायें और उन की गणना की जाय तो साल में कम से कम २५, ३० करोड़ रुपये की चोरियां रेलवे में होती हैं जिन में सब किस्म की चोरियां शामिल हैं, टिकट की चोरी, माल की चोरी, व्यापारियों से मिल कर उन को मुआवजा दिलाने की चोरी.....

श्री बंसीलाल : सामान की भी चोरी होती है।

पंडित डी० एन० तिवारी : अगर सब को मिला कर देखा जाय तो २५, ३० करोड़ रुपये से कम की चोरी नहीं होती है। तीन चार दिन पहले एक प्रश्न का उत्तर देते हुये माननीय पार्लियामेंटरी सेक्रेटरी (संसदीय सचिव) साहब ने कहा था कि केवल कोयले की चोरी १२,००० टन प्रत्येक वर्ष हुआ करती है। मैं समझता हूं कि उन्होंने कम आंकड़े दिये। कोयले की चोरी अधिक होती है। मैं तो देखता हूं कि रेलवे इंजिनों में दो, चार आने पैसे दे कर लोग मन भर कोयला गिरवा लेते हैं, जलते हुये कोयले भी गिरवा लेते हैं जो कि पूरे जले हुये नहीं होते, जिस में उन को साफ्ट कोक मिल जाये और पैसे भी कम देने पड़ें। बाजार में सोफ्ट कोक २, २॥ रुपये मन मिलता है और वह उन को चार आने में मिल जाता है। जंक्शन स्टेशनों पर जहां कोयले के डिपो (भण्डार) हैं या जिन स्टेशनों पर कोयला एंजिनों में लादा जाता है वहां के आस पास जा कर देखिये लोग एंजिनों के गिराये हुये कोयले से ईंटें फूंकते हैं। मैं इस चोरी की शिकायत ले कर भेजता हूं तो एन्क्वायरी (पूछताछ) में छः छः महीने बीत जाते हैं लेकिन जवाब नहीं मिलता। तो मैं कहता हूं कि यह चोरी इतनी बढ़ गई है कि जिस का शायद आप को अन्दाजा नहीं है। इसके लिये और भी सख्त कानून बनना चाहिये। मैं बड़े अदब के साथ कहना चाहता हूं कि मैं ने एक घंटे तक पंडित ठाकुर दास भार्गव की स्पीच (वक्तृता) सुनी, लेकिन मैं समझा नहीं कि वह किस प्रकार इस बिल का विरोध कर रहे थे और क्यों कर रहे थे।

एक माननीय सदस्य : आप तो मेन (अनभिज्ञ) हैं।

पंडित डी० एन० तिवारी : हां, यह बात तो है, लेकिन कानून की तरफ ज्यादा न जा कर फैक्ट्स (तथ्य) आप के सामने रख सकता हूं और बता सकता हूं कि इस कानून को कितनी दूर जाना चाहिये। अभी मेरे पहले जो मित्र बोल चुके हैं उन्होंने कहा कि यह बिल अपराध की रोक थाम के लिये है उस में पहले के मामले नहीं आने चाहियें। अगर इस कानून बनने के दो चार दिन पहले किसी ने चोरी की तो क्या उस को इस में न लाया जाये। कानून तो इस लिये है कि रेलवे में चोरी न हो। अगर किसी ने चोरी की है जिस के लिये दंड देना चाहिये तो क्या अगर पांच साल या सात वर्ष पहले किसी ने चोरी की हो तो उसे दंड दिया न जाये। आखिर वह छूटे क्यों? तो मैं समझता हूं कि यह कानून बहुत जरूरी था और देर करके आया है, पर दुरुस्त आया है।

साथ ही मैं एक बात रेलवे मंत्रालय के ध्यान में उन के घर के बारे में लाना चाहता हूं। आप इस बात को समझ लीजिये कि रेलवे की तीन चौथाई चोरियां रेलवे वालों के मेल से होती हैं। जब तक रेलवे कर्मचारी और चोरी करने वाले मिलते नहीं हैं तब तक चोरी कभी नहीं होती। हां गाड़ी में जो चोरी होती है उसकी बात कुछ और है। रेलों में से कुछ गद्दे चुरा लेना या बल्ब निकाल लेना यह दूसरी बात है। लेकिन स्टाक से चोरी तभी होती है जब कि

रेल का कोई मुलाजिम मिला होता है । कभी भी स्टाक से कोयले की चोरी नहीं हो सकती जब तक कि कोई चौकीदार या क्लर्क या जो इंचार्ज है वह मिला हुआ न हो ।

अभी हमारे एक भाई ने कहा कि अफसर लोग कुछ अलमारियां बनवा लेते हैं या कुर्सियां बनवा लेते हैं । मैं समझता हूं कि यह तो एक नगण्य सी चीज है । कुर्सी बनवा लेना या मोटर ठीक करवा लेना तो एक मामूली सी बात है । यह तो ज्यादा से ज्यादा एक लाख या पचास हजार की कुल चोरी बनती होगी लेकिन मैं तो उन चोरियों की बात कर रहा हूं जो कि करोड़ों की चोरियों बन जाती हैं । मैं चाहता हूं कि गवर्नमेंट अपने घर की तरफ भी ध्यान दे । इतने बड़े अख्तियार हम आप को सौंप रहे हैं और हो सकता है कि जो निर्दोष हैं उनको भी तंग किया जाये । मैं यह भी मानता हूं कि कोई भी कानून फुलप्रूफ नहीं हो सकता जब तक कि उसको बरतने वाले आनेस्ट (ईमानदार) न हों । अगर वे चाहें तों बहुत धांधली मचा सकते हैं, बहुत से लोगों को दिक कर सकते हैं । मैं आपसे प्रार्थना करता हूं कि आप यह देखें कि ऐसी बात न होने पावे कि इसका दुरुपयोग हो और उन रेल कर्मचारियों के खिलाफ इसे इस्तेमाल किया जाये जिनके साथ अफसरों का बैर हो । असल में जो डर पंडित ठाकुर दास भार्गव जी को है और जो मंशा उनका है वह यही है कि इसका गलत इस्तेमाल होगा और निरपराध लोगों को सताया जायगा । मैं समझता हूं कि सताने वाले वही लोग होंगे जो या तो रेल कर्मचारी होंगे या जो मुकदमा चलाने वाले पुलिस कर्मचारी हैं वह होंगे । यही लोग हो सकते हैं और उनके अलावा और कोई नहीं हो सकता । इस लिये इस तरफ आपको अधिक ध्यान देना चाहिये और यह देखना चाहिये कि जो निर्दोष हैं वे न मारे जाय । साथ ही आपको यह भी देखना है कि आप के जो चोरियां होती हैं उनको आप कैसे रोक सकते हैं । मैं समझता हूं कि यह कानून तो दूसरों पर लागू होगा, रेल कर्मचारियों पर लागू नहीं होगा । हां, एबेटमेंट (दुरुत्साहन) में शायद उन पर लागू हो सकता है लेकिन शायद इसमें एबेटमेंट के बारे में कोई धारा नहीं है । इससे तो यही होगा कि वह आदमी जो कुछ पैसा देकर चीज लाता है वह तो पकड़ा जायेगा लेकिन जो पैसा ले चुका होगा और जिस ने रेल का नमक खाकर नमक हरामी है उसको कोई सजा नहीं होगी । उसको भी इस कानून में लाना बहुत जरुरी है ।

मैं और अधिक इस विषय पर न बोलते हुये आप से इतनी ही प्रार्थना करना चाहता हूं कि आप अपने घर को सम्हालें और उनकी तरफ भी नजर दौड़ायें और इस कानून का दुरुपयोग न हो, ऐसा उपाय करें । इसके बाद आप एक ऐसा भी कानून लायें जो इस से कड़ा हो और जिसमें एबेटमेंट भी आ जाये और जो दूसरी किस्म की चोरियां होती हैं उनका भी समावेश हो ।

Mr. Chairman: Shri S. V. Ramaswamy. I would request the hon. Member to be brief. I propose to call the hon. Minister at 3-50 P.M. at the latest. There are one or two other Members also who want to speak.

Shri S. V. Ramaswamy: I will not take more than ten minutes.

Mr. Chairman: I expect him to take something less than that.

Shri S. V. Ramaswamy: There are two points of view with regard to this Bill. The first is the strictly legal point, and it has been very ably urged by my learned friend, Pandit Thakur Das Bhargava. He has been the champion of the legal cause and the arguments that he has been pleased to advance are somewhat irresistible, because clause 3, as it is worded, goes strictly against the existing law and the definitions

[Shri S. V. Ramaswamy]

contained in the Indian Penal Code and the Evidence Act. Section 411 of the IPC lays emphasis on 'knowledge' and 'reason to believe'. It reads thus:

> "Whoever dishonestly receives or retains any stolen property, knowing or having reason to believe the same to be stolen property, shall be punished with imprisonment of either description for a term which may extend to three years, or with fine or with both".

These two aspects—knowing and having reason to believe—are totally absent from the clause as now proposed. This obviously creates a new type of offence. Knowledge is not necessary and reason to believe is also not necessary. Again, this clause conflicts with section 114 of the Evidence Act. That section deals with presumption and says:

> "The court may presume that a man who is in possession of stolen goods soon after the theft is either the thief or has received the goods knowing them to be stolen, unless he can account for his possession".

The present clause differs in two respects from illustration (a) under section 114. The words 'account satisfactorily' are now put in here, though they are not to be found in illustration (a) of section 114. I find that section 114 deals with recent possession, about which nothing is mentioned in the Bill.

So in these two respects—in the matter of the definition in the Indian Penal Code and in the matter of the definition in the Evidence Act, clause 3 entirely differs and goes counter to the existing law. Strictly speaking, this will create anomalies and difficulties. If you subscribe to the existing law and if you want this law to be framed to be streamlined and put in accordance with the existing law, clause 3 goes counter to it and it is difficult to accept it.

The other difficulty is the practical difficulty. It no doubt creates a new burden of proof. It is not as if the burden of proof is not shifted in other cases also, *e.g.* in the Prohibition Act. We have shifted the burden of proof to the accused. That is a special case, and I believe the Government in bringing this forward have got special difficulties of proving theft of government property. That is why the clause has been framed in the manner it has been done.

Now, it is not as if it is an original clause—not that the Government could claim originality. This is just a copy; this has been taken bodily from the English Act. The language has been bodily taken from section 7 of the Public Stores Act of 1875 of U.K. Whether we should still stick to the language of 1875 in 1955, we do not know. But I submit that this language has stood the test of time, and even in a free country like England the language has been allowed to stay for the past 80 years. That, I submit, is a matter for consideration by this House. Section 7 of that Act says:

> "If any person is brought before the court of summary jurisdiction"—

the law there is very stringent; it is a summary procedure that is adopted in such cases—

> "Charged with conveying or with having in his possession or keeping any of Her Majesty's stores reasonably suspected of being stolen or unlawfully obtained. . ."

These are the very words that have been taken bodily from section 7 of the English Act and incorporated here. There is nothing new. I am submitting that the law in England is even more stringent. Section 10 defines what 'possession' is. It goes far beyond the explanation contained in the Penal Code or in any other Act we have. Take, for instance, section 27 of the Indian Penal Code.

It extends the meaning of 'possession' to include certain categories.

> "When property is in the possession of a person's wife or servant, on account of that person, it is in that person's possession within the meaning of this Code.
>
> *Explanation.* A person employed temporarily or on a particular occasion in the capacity of a clerk or servant, is a clerk or servant, within the meaning of this Code".

You will see that section 10 of the English Act goes far beyond even the scope of section 26 of the Indian Penal Code. Section 10 of the English Act reads:

> "For the purposes of this Act, stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another."

The law, there is very stringent. The meaning is further explained in section 10. It is much more stringent than what is sought to be incorporated here. I am only surprised that the draftsman or the Government when they bodily incorporated section 7 of the English Act did not also have this section 10 in this Bill, so that they can achieve more fully the object they have in view, namely, to prevent, as far as possible, the theft of government property and, when there is a theft, to effectively catch at the thief, and see that government property is secure. I would gladly welcome this section 10 of the English Act also incorporated but as the Bill is limited in scope than the English Act. I commend that the House pass the Bill as brought before the House.

Mr. Chairman: Shri Mulchand Dube. I will re uest the hon. Member to take as little time as possible.

Shri Mulchand Dube (Farrukhabad Distt.-North): It was revealed when the Bill was under discussion in this House last time that railway stores of the value of about several lakhs were being stolen and lost to the railway every year, and that the ordinary law of the land could not reach the culprits. So, it became necessary to enact a law which, to a certain extent, departed from the ordinary law of the land.

I could not quite understand my hon. friend, Pandit Thakur Das Bhargava, when he argued the matter as if the general law of the land was quite sufficient. If the general law of the land had been sufficient, it would not have been necessary to enact this special law.

This law provides that railway stores if found in the possession of anybody must be proved to belong to the railway at the time so found and it also provides that if they are so found there must be a reasonable suspicion that they have been stolen or they have been unlawfully obtained. When these two things are also proved and the court is satisfied that these ingredients of the offence are made out, even then it is not sufficient for the conviction of the accused. The accused person is still called upon to explain as to how he came by those things and if he is able to satisfy that he came by them lawfully, he can be acquitted. Therefore, I do not think there is anything substantially wrong with this law even if, to a certain extent, it departs from the ordinary law of the land. As I said before, because it was not possible to reach the culprits even when large quantities of railway stores were being stolen and unlawfully taken away, it has become necessary and I think such a law is necessary in the public interest. I, therefore, fully support the Bill.

Mr. Chairman: Shri Sinhasan Singh; I am sure the hon. Member will finish his speech before 3:50.

Shri Sinhasan Singh (Gorakhpur Distt.-South): Sir, it requires no long arguments. At the initial stage, I supported the introduction of the Bill but I find from the Bill, as it has emerged from the Select Committee, that the very purpose for which the enactment is being sought is being defeated by the passing of this Bill.

I was not here when our learned friend Pandit Bhargava was arguing his case. Probably, the general law would have been much better than the present law which is being sought to be enacted. Under the general law, sections 410 and 411, the accused could probably have been arrested and punished more easily than under this enactment. By this enactment a lot of burden is thrown upon Government. Not only that it must be proved to be railway property but it must also be proved to be stolen or reasonably stolen...

Mr. Chairman: Not reasonably stolen but reasonably suspected to be stolen.

Shri Sinhasan Singh: ....reasonably suspected to be stolen or unlawfully obtained. Any learned advocate knows that anything can be proved. A certain person who is found in possession of stores can prove that he obtained it lawfully by paying money. There will be acquittals. This section 3, if enacted, will leave a great loophole for the accused persons to put forward evidence to show that they were in possession of property lawfully by purchase. They can file receipts. In section 411 cases, the accused always produce receipts written by somebody. They say, this was purchased for so much and here is the receipt. If this Bill is enacted, my submission is that instead of doing any good it will be worsening the whole affair.

The general law is there but naturally this law will be applied because when there is a special law and a general law, the special law will come into force and, if I may say so, this Railway Stores (Unlawful Possession) Bill after enactment will become Railway Stores (Lawful Possession) Act, and everybody will get out.

The Railway has got three kinds of police. Originally, there was the GRP; then in war time, and in 1947 there came the RPP—Railway Protection Police—and recently we have got the security police. These three forces are there guarding the same property and the thefts have increased. The other day the Parliamentary Secretary could not reply to a question which I put him as to the amount of claims that have been paid since the establishment of Security Police. I put a subsequent question as to what is the amount after the appointment of the Security Police but there was no reply. We know, everywhere in our country, when a man is appointed to some job, he looks for some income from outside, other than his regular pay. All these people, naturally, have some outside income than the regular pay. How do they get it? They get through the railway stores. Most of the railway employees make use of the railway stores freely. At Gorakhpur, the railway headquarters, big things are stolen. At one time they were taking articles in bags containing *burada* which were given to them for burning. As President of the Railway Union, a report was made to me and I went and saw big articles being put in those bags and taken away. Fortunately, the Security Police were there and they caught hold of the bags. Probably no action was taken later on. I do not know. Things of the railway have been removed and there have been regular shops for these. Whenever a person is caught by the police, the railwaymen who ought to have come and said, 'this is railway property' say that they do not recognise it. No case is made out. It is hardly possible for a Railway employee or officer to say that this property was railway property and was intended to be made use of by the Railways. Clause 2 itself very badly takes away all the fear and penalties

that one may apprehend from this clause.

I quite agree with the minute of dissent by Shri Mulchand Dube and also with Shri Raghavachari's minute of dissent. In the case of the Prevention of Corruption Bill by the addition of clause 6 we have taken away all the severity of the Bill, and similarly by the addition of clause 3, all hardship has been removed and there is absolutely no strictness. I can assure the hon. Deputy Minister and the Parliamentary Secretary that they will not succeed in getting any convictions even after passing this Bill.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): He is wishing good luck to the offenders!

Shri Sinhasan Singh: Not I, but they.

Shri Alagesan: I am thankful to the House for the very overwhelming support it has accorded to the measure.

Pandit Thakur Das Bhargava has been pleading with me and wanting to convert me, but I hope after hearing the speeches delivered on the floor of the House he would have been already converted to supporting this measure.

Shri S. V. Ramaswamy: He is inconvertible.

Shri Alagesan: I have not lost hope. He raised the question whether any distinction at all should be made between private property and public property. On the previous occasion I dealt with this question and I ventured to put forward the view that public property, if any, should be considered even more sacred than private property. I said then that in view of the expanding public sector, we have to take a more serious view of this matter and, if necessary, even introduce changes in the basic common law of the land. He asked: how is theft of railway property different from theft of private property? That is very easily explained. As far as private property goes, every man sits and guards his property; but who is there to guard public property? Questions were raised whether this measure is a cover for the inefficiency of the Administration. The House knows that we have recently made the security force more effective . . .

Shri Sinhasan Singh: By the appointment of retired officers.

Shri Alagesan: I am glad to inform the House that it has already produced results, and the number of thefts is slowly coming down. I wish that the rate were faster, and with the effective functioning of this organisation, I hope we will be able to control, if not altogether eliminate, this evil. That is the difference between private property and public property.

I was amazed to hear my friend, Shri Vittal Rao, speaking on behalf of the textile mills. He asked whether such a law would be made if textile mill owners come forward and say that the same should be the case if their property is also stolen. I think the textile mills are much more secure and their property is much better secured, than railway property which is strewn all over the land. In fact, it was a very strange pleading and I was wondering as to what was happening to his thinking. Again he said that a time may come when the State Governments, who are fast nationalising road transport, may come forward with a similar measure. He also said that this measure will provide a bad precedent. I should be very glad if the State Governments would come forward with such a measure; in fact, from the British Act quotations were given and it was also pointed out that a particular expression here has been taken from that Act. Is it so. That Act applies to all public stores and a time will come when certainly we will have to give protection to all public stores and see that they are not tampered with. The hon. Member also questioned the magnitude of the evil. But

[Shri Alagesan]

as against one hon. Member questioning it, other hon. Members have eloquently put forward before the House the magnitude of this evil and now railway properties are being tampered with and stolen by numberless people. The hon. Member said he was a railway servant—I do not know whether he was an officer servant or a non-officer servant—and as such he should have known all these things better. I expected, therefore, some constructive suggestions from him. Instead, I should say I was disappointed at his speech.

Pandit Thakur Das Bhargava put forward the view and has also given an amendment to that effect, that railway servants should be awarded a higher punishment than others. I hope the courts will have the good sense to deal with that and if they find that a railway servant indulges in this evil, naturally they may take a more serious view and impose a higher or heavier punishment. It is not that the full five years imprisonment is going to be given in every case. The other day I pointed out how lenient the sentences have been in the cases that have so far been taken to the courts.

Some mention was made about railway property that was being auctioned. Generally, scrap that is not useful to the Railways is auctioned, but in such cases what is called a sale issue note, giving a description of the articles that are auctioned, is issued to the party and that should be sufficient proof for anybody to say that he came by the property very lawfully, by means of an auction. It should be very easy to prove that. There may be other articles which may go out of use or become obsolete because of the change in a certain design. After hearing some of the speeches made here I came to the conclusion that if such property is stolen, we may not be able to bring the offenders to book under this measure; we may have to take recourse to the common law and not take action under this special law. As somebody pointed out, it cannot be proved that the property is intended to be used when it has become obsolete, although it was once used by the Railways. If it is not intended to be used by the Railways now, it may not be possible to bring such cases under the clutches of this law.

My friend, Pandit Thakur Das Bhargava, was pleading for the addition of the word "recent". I think he has been effectively answered by Shri Raghavachari. In fact, Shri Raghavachari stated that this measure does more than justice to the accused. Taking the special nature of the law, certainly it is nobody's intention that it should accord with the common law. Because there is a special situation to be met, we want this special law and this point has been explained by you, Sir, in very lucid terms; so I need not add anything to that.

4 P.M.

Then, Pandit Thakur Das Bhargava stated that he would give his full suport if this applies to property which can be used only on the railways and which cannot be used by anybody else; that is, it should be peculiar to the railways. He said, if that is so, he would have no objection to this law. Now, I want to point out that it is because it is not possible to call anything peculiar to the railways that we have undertaken to prove that the particular article belongs to the railways. You will recall, Sir, that in the other measure that has been passed in respect of telegraph wires—the Telegraph Wires (Unlawful Possession) Act that was passed by this House—the proof does not rest with the prosecution. If it is proved that the wires are of a particular guage then immediately the other man has to prove that he came by it lawfully. No proof rests with the prosecution. They are not to prove anything. No responsibility

for proof lies on the prosecution to show that the wires belong to the Post and Telegraphs Department. In our case because we cannot put any distinguishing marks on our articles and also because we cannot describe a property to be peculiar to the railways, we have taken on ourselves the burden of proof and that, I think, should satisfy the hon. Member.

Again, there was objection from him to the words "unlawfully obtained" and "suspected of being stolen". The House knows that these words have been taken from an Act which has been worked and on which the courts have interpreted. So, there should be no particular difficulty expected by the use of these words.

I should like to say that this is not a new thing that the House is called upon to do. It has already passed the Essenital Commodities Bill this year and there, clause 14 reads thus:

> "Where a person is prosecuted for contravening any order made under section 3 which prohibits him from doing any act or being in possession of a thing without lawful authority or without permit, licence or other document, the burden of proving that he has such authority, permit, licence or other document shall be on him."

Clause 3 of this Bill is a little more lenient than the clause which I just new read out. I think I need not further pursue this matter.

I can quote figures of loss. I had quoted figures last time and I do not want to weary the House. They are not small. The losses are really very big and should be prevented.

I hope the House will agree to the consideration of this Bill.

Shri S. V. Ramaswamy: There are public stores not only in the railways and telegraphs departments but also in the river valley schemes, national highways and so on. Why do not the Government bring in a comprehensive measure on the lines of this Bill?

Mr. Chairman: That is a different thing altogether from the thing with which we are dealing now. It is for the Government to bring in such a Bill and if they bring one we will consider it. Now, I will put the motion to the vote of the House.

The question is:

> "That the Bill to provide for the extension of the law relating to the punishment of the offence of unlawful possession of railway stores, as now in force, to the whole of India and to re-enact its provisions, passed by Rajya Sabha and as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 — (*Definition*)

Mr. Chairman: The House will now take up clause by clause consideration of the Bill. There is one amendment received from Shri Sinhasan Singh which has been received very late and therefore that cannot be taken into consideration unless the Minister is prepared to accept it.

The Minister of Defence Organisation (Shri Tyagi): He has missed the train.

Shri Sinhasan Singh: I would request the Minister to accept my amendment. What I want to move is.....

Mr. Chairman: Whatever the contents of the motion may be it cannot be considered unless the Minister agrees to accept it.

Shri Sinhasan Singh: Can I persuade the hon. Minister to accept it?

Mr. Chairman: I agree. You may persuade him to accept it.

Shri Sinhasan Singh: Unless you allow me to explain.....

Mr. Chairman: The time is restricted and we have to proceed with our programme. So, let us take up clause 2 for consideration.

[Mr. Chairman]

Before that, may I know the sense of the House whether it would require any part of the time at our disposal for third reading? As it is, we disperse at 5-5 P.M. by which time we have to finish with this Bill as the 4 hours' time allotted for this Bill will be over. So, may I know whether the House requires some time for third reading, or whether we should take the whole time for the clause by clause consideration and no time is necessary in the end?

Pandit Thakur Das Bhargava: It is very difficult to state beforehand what time would be required for disposing of the amendments. We can consider it at the end.

Mr. Chairman: I leave it to the House. Normally we do decide beforehand whether we should have some time for third reading at all. If the House so desires I have no objection. Then we should try to finish the consideration by a quarter to five o'clock. Now, let me know who are all moving their amendments to clause 2.

Pandit Thakur Das Bhargava: I beg to move:

Page 1—

(1) *for* clause 2 *substitute*:

"2. In this Act, 'railway stores' means any article which is the property of any railway administration and is possessed by it."

(2) Page 1, line 11—

omit "or intended to be used"

(3) Page 1—

after line 12 *add*:

"(c) which is exclusively manufactured by or for the railway with a special mark and is not sold, auctioned or otherwise transferred by the railway or the manufacturer."

Mr. Chairman: I am sure the hon. Member has made his case exhaustively and he will now be as brief as he possibly can be.

Pandit Thakur Das Bhargava: At the time of the discussion on the motion for consideration I was told that whatever I had to say I can say when my amendments come up. Now, when I come to my amendments it is said that I have already dealt with the case exhaustively.

Mr. Chairman: I have not debarred him from dealing with his points.

Pandit Thakur Das Bhargava: At the same time I will keep in mind your advice and try to be as brief as I can.

Mr. Chairman: Before he proceeds, would it not be better if I ask other hon. Members if they have also some amendments to this clause which they would like to move? If they would now tell me whether they intend moving any of their amendments we might know what motions are there before us and then we can discuss all of them together.

It seems nobody is desirous of moving his amendment. So, the hon. Member can proceed with his speech.

Pandit Thakur Das Bhargava: In regard to these amendments, I maintain—as a matter of fact you were pleased to say that, other Members were pleased to say that as well as the hon. Minister—that there is no doubt that the amendment accepted by the Select Committee has narrowed down the scope of the Bill so far as the definition of 'railway stores' is concerned, and to that extent from the point of view of the accused as a matter of fact this has been changed a great deal; but at the same time I believe, though we have changed the definition of the Bill and have agreed that the railway administration shall prove that such property as the subject matter of the Bill is the property of the railway administration—as I submitted before—this is a burden too heavy for the railway administration to bear. Though I will congratulate in advance the hon. Deputy Minister for having secured the passage of the Bill so easily I must tell him in all regret

that, as a matter of fact, the thing that he is getting is a mere toy. It will not work. There will be no convictions. You have the Bill, but you have killed the spirit of the Bill already. My humble submission is: how will the railway administration prove that the property is the property of the railways? He has taken the burden upon him to prove that the stolen property is the railway property. But, at what time? Is it at the time when it is found or is it at the time when possession was transferred 20 years ago? What is the particular moment of time when it shall be proved that it is the property of the railway? How will he prove it? This is not all. The second thing is much more difficult. The railway materials are used for the boulders, girders, and other things in the case of a bridge and they are not likely to be stolen because of the size or anything else. But if the other things are there, the prosecution shall have to prove that they are "intended to be used". How is the intention to be proved? Whose intention is to be proved? And what is the time of such an intention? The Minister himself was pleased to say that the things will become obsolete and obsolete things will not come in, though I do not agree, because obsolete things today may be regarded as of great use tomorrow. So, it is impossible to say that they have become obsolete and will not be used. Even used things can be reused. The question is of intention, but whose intention is it? How is that intention to be proved?

Thirdly, what is most difficult is this. I was under the impression that we are not making a law in which the accused's *mens rea* need not be proved. But, as a matter of fact, what is required in courts is that the procecution shall prove, the railway shall have to prove, that the thing is reasonably suspected of having been stolen. This is the position. Previously, I thought that it is just possible that the hon. Minister might say that this "reasonably suspected" has to be proved to inhere in the mind of the accused as in the comparative law that we have got. Even now, it could be argued that this "reasonably suspected" is to be proved in respect of the mind of the accused. Now, I find that this is a technical, mechanical law. If the possession is there, nothing need be proved so far as the accused is concerned. He may be perfectly innocent so far as *mens rea* is concerned. According to my friend, this has to be proved in the court, namely, that the article is suspected to have been stolen. May I ask him, how he will prove it? If ten or twenty years ago, the article had been stolen, how do they know it was stolen or that it was unlawfully obtained? So, when all these three things are taken together, it appears to my mind that the burden is so large on the railway administration that they may bid good-bye to all the convictions. So far as this aspect is concerned, as I submitted, I wanted to make the law easier and capable of being used.

My friend has referred to the law in Great Britain and rightly so, because this Bill in Great Britain applies to all kinds of stores, and I agree with him. There is no reason why that we should confine this law only to the railway stores. I submitted earlier that all government property is to be protected. If the railway stores are sacred to him, all other stores are also sacred to me. Therefore, I would have liked it if he had agreed to bring in a general Bill to cover all the materials. You have heard the story कुनबा डूबा क्यों? That kind of averages I do not like. If this Bill is good, I stand by it and you can stand by it. In the course of the general discussion I submitted an argument that if it was a thing manufactured for the railway and by the railway, there would be no other use for it in this country, especially if it had a particular mark on it. Then my objection to the Bill would not be so great. But the difficulty now is that innocent people who have got other similiar property not stolen will also be harassed though they may

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be acquitted. I know there will be no conviction in these cases though under the ordinary law there will be conviction, but still the people would be harassed. What is this law as made in Great Britain?

Section 4 of the British Act runs thus:

> "Marks described in the First Schedule to this Act may be applied in or on stores therein described in order to denote Her Majesty's property in stores so marked; and it shall be lawful for any public department and the contractors, officers and workmen of such department to apply these marks, or any of them, in or any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or any such stores he shall be guilty of a misdemeanour and shall on conviction thereon be liable to be imprisoned for any term not exceeding two years...." etc.

What is the last clause?

> "This Act shall apply only to stores bearing any such mark or part of the mark as in this Act mentioned, whether it applies before or after the passing of this Act".

So, let the Government make any such thing so far as the railways are concerned. I would readily agree to such marks to those railway stores as we readily agreed in the case of the Posts and Telegraphs Department. I stand by them. If there are properties of the railway on which this mark is given, and are not manufactured for any other purpose, and are not sold by the Government in public auction, etc., then there is a good case for presumption. I do not want that every person who commits a theft should go scot-free. Nobody wants it in this House. My friend said that I would have been converted in this matter by the argument of an hon. Member who participated in the debate and who referred to certain thefts which took place in Ratlam. I have not heard of such thefts any where else though I have heard of thefts generally in many other cities. Even if such thefts are there, have you not made the presumption much stronger than before? What is the presumption? You know very well that under section 114(1), the court is not bound to make a presumption. What have you done? We have taken the powers of the court. The court is now bound to make presumption, and so, is this not a sufficient change that you have effected? Have you not enhanced the punishment? At the same time, have you not made a change in the presumption also? The words are: "and cannot account satisfactorily". We have used the word "satisfactorily" and put more burden on the accused decidedly. I am only at one with you and I want to say that thefts should not take place, but do not go out of the way and make such changes as will enmesh and are likely to enmesh innocent persons. I do not object that the law may be tightened, but it should not be tightened to the extent that absolutely innocent persons may be enmeshed without any reason or rhyme. As I submitted earlier, the amendments are not likely to be accepted and when I am speaking on these amendments just moved, I am really speaking on some other allied matters also and on such allied amendments I shall not speak later. Now, you will realise, as I had submitted, that in the present case, the accused may be hanged without a murder being committed. It is the effect of this law. Though no theft has taken place of any stores, the court may come to the conclusion that a thing has been reasonably suspected to have been stolen. Now, you must know the story:

घर से आया है मोतबर नाई

A man came to a gentleman and said "Your wife has become a

widow." That gentleman said, "No, no." But his friends came and asked him, "You are living, but your wife has become a wodow."

Shri Tyagi: The court cannot be guided by the *nais*.

Pandit Thakur Das Bhargava: The courts are not constituted of much better men than the hon. Minister. That is all that I can say. If the hon. Minister cannot be misguided or guided by any person, the court can be guided or misguided.

Mr. Chairman: The hon. Member shall continue to address the Chair.

Pandit Thakur Das Bhargava: The hon. Minister was not addressing the Chair. I think the rule is the same for the gander and the goose.

Mr. Chairman: That remark of mine applies equally to the hon. Minister.

Shri Tyagi: I am sorry.

Pandit Thakur Das Bhargava: I was submitting the very crux of law. Unless a theft is committed, you cannot hold that a property has been stolen. In this law, you need not prove that a theft has been committed, whereas in both sections—410 and 411 of the I.P.C., the rule is theft, extortion, robbery, dacoity, misappropriation and criminal breach of trust must all be proved before anything can be done. This is a very great flaw in this law and it can be very easily remedied also. As I submitted before, section 410 is our own law. Why should we fight shy of it? Why not make it so as to mean what the Indian Penal Code, in section 410, means? But my hon. friend will ask me, what is the difference between "unlawfully obtained" and "stolen" as defined in section 410. Well, the general law of the land is there and the general rule is, you must have stuck to those words and made the meaning clear. My submission is that if the hon. Minister is going to accept my amendment, it would be good. My amendment is:

> "(c) which is exclusively manufactured by or for the railway with a special mark and is not sold, auctioned or otherwise transferred by the railway or the manufacturer,"

This is exactly, as a matter of fact, the full meaning of sections 418 of the Great Britain law which I have reproduced in my own words. You have taken one word from here and another word from there. I say that you must apply the whole of British law. You miss the soul of it and remain content with the skeleton. We art also anxious that the purpose of the Bill should be achieved, but I cannot be a party to the application of a principle half way. I would have requested my hon. friend Mr. Ramaswamy not to mislead the House in this way but he is not here now. He quotes one or two sections, but he does not read the very section which is the soul of the Act. It is not fair.

I will say one word more on my amendment No. 3. I have said that 'railway stores' means any article which is the property of any railway administration and is possessed by it. This, again, is the very soul of this section. As you know, stealing is an offence and under section 380, it applies to moveable property. My humble submission is that unless you put the words "possessed by it", it may refer to property transferred 20, 50 or even 100 years ago and that property may come within the purview of this Act. Therefore, when the Deputy-Speaker was telling us that there should be a limit, say, 5 or 6 years, he was perfectly right. In law, any person who is in possesssion of a property is the owner of that property until it is transferred. Therefore, the railways must prove that at the time when the offence was committed, the railways were in possession of it. Unless that is proved, there is no offence at all. The railways shall have to prove that it is not only their property, but they were in possession of it when the theft or transfer of possession took

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place. I, therefore, submit that though the Bill may be passed, it will remain ineffective.

Mr. Chairman: Amendments moved:

(1) Page 1—

for clause *substitute*:

"2. In this Act, 'railway stores' means any article which is the property of any railway administration and is possessed by it."

(2) Page 1, line 11—

omit "or intended to be used"

(3) Page 1—

after line 12 *add*:

"(c) which is exclusively manufactured by or for the railway with a special mark and is not sold, auctioned or otherwise transferred by the railway or the manufacturer."

श्री सिंहासन सिंह : मैं माननीय ठाकुर दास जी के संशोधन का समर्थन करता हूं ।

एक माननीय सदस्य: अंग्रेजी में बोलिये ।

श्री अलगेशन : किसी भाषा में बोलिये ।

श्री सिंहासन सिंह : मंत्री महोदय कहते हैं कि किसी भाषा में बोलिये ।

जिन जोरदार शब्दों में भार्गव जी ने अपना संशोधन रखा है मैं उस का अनुमोदन करता हूं । इस विधेयक में जो रेलवे स्टोर्स (रेलवे भंडार) की परिभाषा रखी गई है उस के रखते हुए सरकार के रास्ते में बहुत दिक्कतें आवेंगी और इस बिल का जो मंशा है वह सफलीभूत होने के बजाय असफल हो जायेगा । जब सदन इस बात के लिये तैयार है कि सरकार को अधिक से अधिक अधिकार दे ताकि वह सरकारी चीजों को चोरी से बचा सके, तो सरकार इस मामले में क्यों मुरव्वत करती है । मेरी समझ में नहीं आता कि सरकार अपने को क्यों कमजोर रखना चाहती है । अगर इस संशोधन को जान लिया जाये तो उस परिभाषा का रू बदल जाता है । उस से सरकार पर साबित करने की जिम्मेदारी कम हो जाती है । उसे मान लेना चाहिये ।

अभी यहां अंग्रेजी कानून का हवाला दिया गया । हम को और आप को यह मालूम है, और दुःख के साथ मालूम है, कि जो हमारा आचार का स्तर है वह अंग्रेजों से कुछ नीचा है । गुलामी के कारण हम बहुत नीचे गिर चुके हैं और हम को ऊंचा उठने में बहुत देरी है । उन्हों ने अपने यहां लिखा है कि जो प्रापर्टी एक्यूज्ड के पास रहेगी

"The proof of which shall lie on the party accused....."

अर्थात् जो एक्यूज्ड आदमी है उस पर यह साबित करने की जिम्मेदारी होगी कि उस चीज पर उस का अधिकार लाफुल है । लेकिन आप सारी जिम्मेदारी अपने ऊपर ले रहे हैं और इस रूप में ले रहे हैं कि आप साबित न कर पायेंगे । आप ने कहा है कि "intended to be used" । अब कुछ ऐसी चीजें हैं जिन को बेकार समझ कर फेंका हुआ है पर जिन को रेलवे गला कर काम में ला सकती है । लेकिन वे बाजार में बिकती हैं । वे चीजें इस में नहीं आतीं और उन के पजेशन (अधिकार) के लिये किसी को सजा नहीं हो सकती ।

इन शब्दों के साथ मैं यह अनुरोध करता हूं कि मंत्री महोदय कभी कभी सदन के सदस्यों के सुझाव भी मान लिया करें । हम तो सरकार के हाथ मजबूत करना चाहते हैं, उन को कमजोर नहीं करना चाहते । जब भवन सरकार के हाथों को मजबूत करने के लिये तैयार है तो मेरी समझ में नहीं आता कि सरकार क्यों अपने हाथों को कमजोर रखना चाहती है । आप किसी आदमी को लेजा कर अदालत में खड़ा करेंगे, लेकिन जब साबित करने का वक्त आवेगा आप के हाथ कमजोर पड़ेंगे । सरकार ऐसी सूरत को क्यों कबूल

करना चाहती है । सदन का इतना समय लेने के बाद भी परिणाम कुछ भी नहीं होगा । इस से अच्छा तो यह होता कि हम विधेयक को पास न करके पीनल कोड (दंड संहिता) का ही आधार लेते । उस से ज्यादा काम हो सकता है । उस में जो स्टोलिन प्रापर्टी (चोरी का माल) की परिभाषा दी गई है वह इतनी वसीह (विस्तृत) है कि उस के अन्दर सब चीजें आ सकती हैं । और मुलजिम को दफा ४११ के मातहत सजा करायी जा सकती है । हम अनुरोध करते हैं कि अगर आप चाहते हैं कि इन चीजों की चोरी न हो तो इस संशोधन को मान लीजिये ।

मंत्री जी ने कहा कि जो सीक्योरिटी मेजर्स लिये गये है उन से चोरी कम हो गयी है । लेकिन मैं आप से कह देना चाहता हूं कि जब तक आप रिटायर्ड (सेवा निवृत) आदमियों को सरविस में रखगे तब तक ये चोरियां नहीं रुक सकतीं । एक रिटायर्ड (सेवा निवृत्त) आदमी जोर से, व्यापक रूप से काम नहीं कर सकता । अगर किसी आदमी को तरक्की होने की आशा होती है तो वह शासन को उच्च स्तर पर लाने के लिये लगन के साथ काम करता है । अगर रिटायर्ड आदमी के काम में ढ़िलाई होगी तो आप उसे हटा सकते हैं, लेकिन वह तो पहिले से ही हटा हुआ है । इसलिये उस को रखने में उस का तो मतलब सिद्ध होता है पर आप का मतलब सिद्ध नहीं होगा । अगर आप रिटायर्ड आदमियों को रखगे तो इस बुराई को दूर नहीं कर सकेंगे । इसलिये मैं फिर अनुरोध करूंगा कि कभी कभी तो आप इस सदन की राय मान लिया करें । यह विधेयक आप जिस रूप में चाहेंगे पास हो जायेगा । लेकिन अगर वह ढ़ीले रूप में पास हुआ तो उस से काम नहीं चलेगा । इसलिये मैं अनुरोध करता हूं कि आप इस संशोधन को स्वीकार कर लें ।

Shri Alagesan: I do not want to say much, but frankly speaking I could not understand what Panditji said. On the one hand he says that I have taken more burden than is necessary and on the other hand, he also says that more burden has been cast upon the accused.

Shri Sinhasan Singh: I was saying that the burden has been put on the accused to prove the lawful possession of the property.

Mr. Chairman: He is referring to Pandit Thakur Das Bhargava.

Shri Alagesan: He quoted the British Act and said that what is found there is in accordance with what he has moved here as an amendment, namely, some special mark should be put on the railway stores. If that is there, he has no objection. In fact, my failure to put any special mark on the railway stores is qualified by the definition clause. Because I am not able to put any special mark, I take the burden of proof. Though it may be an article of common use like a bulb, supposing the letters E.R.—Eastern Railway—are there, that will be itself sufficient proof that it belongs to the railways. No further proof may be needed. If such a mark is not there, then I will have to have further proof to establish that it belongs to me. There is no merit in accepting this amendment. In fact, he accused Shri S. V. Ramaswamy of misleading the House. I am afraid, the boot is on the other leg. In the British Act, there is no burden of proof cast on the prosecution that they should prove ownership of the property. Once a particular mark is found, it is for the other man to prove that he came by it lawfully. It is he who has left that out and tried to—I will not use the word mislead —present it wrongly; perhaps he himself did not fully go through it. I would only say that I am not able to agree to the amendments of Pandit Thakur Das Bhargava.

Mr. Chairman: The question is:

Page 1—

for clause 2 *substitute*:

"2. In this Act, 'railway stores' means any article which is the

[Mr. Chairman]

property of any railway administration and is possessed by it."

The motion was negatived.

Mr. Chairman: The question is:

Page 1, line 11—

omit "or intended to be used"

The motion was adopted.

Mr. Chairman: The question is:

Page 1—

after line 12 *add*:

"(c) which is exclusively manufactured by or for the railway with a special mark and is not sold, auctioned or otherwise transferred by the railway or the maunfacturer."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3— *(Unlawful possession of railway stores)*

Pandit Thakur Das Bhargava: I beg to move:

(1) Page 1, line 13—

after 'if any person" *insert* "commits theft or"

(2) Page 1, line 13—

before "possession" *insert* "recent".

(3) Page 1 lines 14 and 15—

for "reasonably suspected of being stolen or unlawfully obtained" *substitute*:

"which, within the meaning of section 410 of the Indian Penal Code (Act XLV of 1860) can be designated as stolen."

(4) Page 1, lines 14 and 15—

for "reasonably suspected of being stolen or unlawfully obtained" *substitute*:

"knowing or having reason to believe the same to be stolen within the meaning of section 410 of the Indian Penal Code (Act XLV of 1860)."

(5) Page 1, line 15—

after "obtained" *insert* "by him"

(6) Page 2, line 2—

for "five years" *substitute* "four years".

(7) Page 2, line 2—

add at the end:

"and if such person is a railway servant, he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both."

Enough has already been said and I do not want to say anything more now. I would however wish to make a few observations about two or three of these amendments. In the first instance, as regards amendment No. 7, my submission is, if the hon. Minister had included theft also, he would have done very well. Perhaps, theft is not less injurious or prejudicial to the interests of the railways than possession of stolen property. After all, it is only after theft that the second kind of offence can be said to arise. Today, if a person commits theft of railways property, he is only liable to imprisonment for three years whereas, under this Bill, we are making possession punishable with imprisonment for 5 years. If these words were added, the position would have been clear. I suppose he does not want to discriminate between the thief and the possessor of stolen property. I do not know why he does not like it. There is a phrase: दाढ़ी से मूंछ बड़ी। A man, who is really so bad as to commit theft should not have been left out of account. Under the general law, theft can be punished with 3 years. That is true. But, it is not the maximum punishment that is given in all cases. The maximum punishment is kept there only for the purpose of instilling fear into the minds of the people. Therefore, if you make the offence punishable with 5 years,

it is not 5 years always. It may be 3 years. I have not seen any case in which the maximum punishment is given. If an offence is made punishable with a larger amount of punishment, public opinion is moulded in such a way that it regards that offence as one of a more heinous character. This is my first amendment. I do not know if it will be accepted. If it is accepted, it will be all right.

As regards recent possession, I have had enough to say. I do not want to repeat all that. Shri Raghavachari —the hon. Member is not here now— stated that he is not in favour of keeping the word 'recent'. As the Deputy-Speaker pointed out, even a limit of 5 years is not there. If we do not put in any period, we do not know where we stand....'Recent' may mean in particular circumstances 2 or 3 years, or 2 months or 5 days. It all depends on the nature of the article stolen. If you do not put in the word 'recent' it means that you are thinking that section 114 of the Evidence Act which has been accepted as good as good law for the last 60 years, is no longer good law. It is not right to take away the word 'recent' which enlarges the scope of the Bill to such a degree that any person who did not care for the sufferings of the accused persons or whether it was discreet to bring a case of this nature, may bring a case against a person whose possession may have been that of his father or grandfather. So far as the law is concerned, there is nothing which militates against this. If the hon. Minister is pleased to see the commentary under illustration 1 of section 114 of the Evidence Act, he will be convinced that the word 'recent' must be there. Otherwise, it might mean havoc to the accused.

As regards 'suspected of being stolen', I do not want to say anything more than I have already stated. I would only request the hon. Minister to read section 410. Then, he will be satisfied that so far as is known to criminal law, this wording of section 410 is important. I have taken the wording of my amendment from section 410. If he does not like to accept this, it is his own choice.

Further, I beg to submit that the words 'by him' may be added. This is most essential. Unless a person is mentally guilty, he is not guilty at all. I understand that under the original Bill and in the other Acts also, mere physical, mechanical possession has never been made an offence. Today, we are changing the whole face of the criminal law of this country, This is a fundamental departure from the principles of criminal jurisprudence to regard mere mechanical possession as an offence. I would have been happy if the wording of section 411 had been taken here. Even if a person had reason to believe that it is stolen property, he may be guilty. Even if these words are retained, it would mean that some kind of criminal mentality will have to be proved to exist in the mind of the accused. As a matter of fact, we know that in the British jurisprudence and Indian jurisprudence no offence is committed unless the person has got *mens rea*. Here is an offence without *mens rea*. The hon. Minister is a lawyer himself.

Shri Alagesan: I am not a lawyer.

Pandit Thakur Das Bhargava: I think the hon. Minister is pursuing this measure without *mens rea*. I would respectfully submit that, though not the words 'having reason to believe', even if minor words are retained, it will be useful and there will not be a departure from the general principles. If the words 'by him' are there, there is the court which will determine the question. It must be found that the possessor suspected the thing to be stolen when he took possession. An innocent purchaser will not come under the clutches of the law, unless he knows that the article, the possession of which has been transferred, has been the subject matter of theft or some other offence.

In respect of 4 years and 5 years, I have already submitted that if he accepts the change, it will be salutary. It is true that the courts have discretion to give whatever punishment they

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like. If a public servant commits a theft, it is regarded as more heinous because of his position of responsibility and confidence. Other persons are not in the same position. It is to meet this case that this amendment is suggested.

I commend these amendments to the hon. Minister.

Mr. Chairman: Amendment moved.

1) Page 1, line 13—

after "if any person" *insert* "commits theft or".

(2) Page 1, line 13—

before "possession" *insert* "recent".

(3) Page 1, lines 14 and 15—

for "reasonably suspected of being stolen or unlawfully obtained" *substitute*:

"which, within the meaning of Section 410 of the Indian Penal Code (Act XLV of 1860) can be designated as stolen."

(4) Page 1, lines 14 and 15—

for "reasonably suspected of being stolen or unlawfully obtained" *substitute*:

"knowing or having reason to believe the same to be stolen within the meaning of Section 410 of the Indian Penal Code (Act XLV of 1860)."

(5) Page 1, line 15—

after "obtained" *insert* "by him".

(6) Page 2, line 2—

for "five years" *substitute* "four years".

(7) Page 2, line 2—

add at the end:

"and if such person is a railway servant he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both."

Shri Alagesan: If I accept the amendments of the Mover, then, I need not have recourse to this special penal instrument at all. It can very well come under the common law. I do not know why I should take all the trouble of bringing forward this special legislation.

Shri V. P. Nayar: That is also what we do not know.

Shri Alagesan: I can assure my hon. friend that I have no partiality for thieves. He asked, why the people who commit theft should be left out. He wants to add the words "commits theft or". In that case, I will have to prove that it is theft. The person in possession may have been the thief. I need not prove that he stole it himself. It is enough for me to establish that he is reasonably suspected, that the property is reasonably suspected of having been stolen by him. He might himself be the thief. You will remember that in the original Bill as it was introduced and passed by the Rajya Sabha these words were there: "Whoever is found or is proved to have been in p ossession". Then, it would have included a whole chain of people who have operated. 'A' might have committed the theft of an article and passed it on to 'B' who might have passed it on to 'C'. If this can be proved, then all of them could have been brought under the clutches of the law. But as it is, I realise that unless the man who is in possession is himself the man who has committed the theft, it may be that the man who has actually committed the theft might be left out. We have to go only to the common law for that purpose. But then, I am not prepared to take the burden of proving the committal of the theft. That will be obligatory on me if I accept Pandit Thakur Das Bhargava's amendment No. 8 or No. 9. If I have the word "stolen" in the sense of section 410 I.P.C., I do not know why I should have this special legislation.

I think I have alreday disposed of the point about higher punishment for railway officers when I had occasion to reply previously.

I do not agree to the amendments.

Mr. Chairman: The question is:
Page 1, line 13—

after "if any person" *insert* "commits theft or".

The motion was negatived.

Mr. Chairman: The question is:

Page 1, line 13—

before "possessions" *insert*— "recent".

The motion was negatived.

Mr. Chairman: The question is:

Page 1, lines 14 and 15—

for "reasonably suspected of being stolen or unlawfully obtained" *substitute*:

"which, within the meaning of Section 410 of the Indian Penal Code (Act XLV of 1860) can be disignated as stolen."

The motion was negatived.

Mr. Chairman: The question is:

Page 1, lines 14 and 15—

for "reasonably suspected of being stolen or unlawfully obtained" *substitute*:

"knowing or having reason to believe the same to be stolen within the meaning of section 410 of the Indian Penal Code (Act XLV of 1860)."

The motion was negatived.

Mr. Chairman: The question is:

Page 1, line 15—

after "obtained" *insert* "by him".

The motion was negatived.

Mr. Chairman: The question is:

Page 2, line 2—

for "five years" *substitute* "four years".

The motion was negatived.

Mr. Chairman: The question is:

Page 2, line 2—

add at the end:

"and if such person is a railway servant he shall be punishable with imprisonment for a term which may extend to five years or with fine or with both."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 3 stand part of the Bill".

The motion was adopted.

Clause 3 *was added to the Bill.*

Clause 4.— (*Repeals and Savings*)

Pandit Thakur Das Bhargava: I wish to move amendment No. 15 or, in the alternative, amendment No. 16.

I beg to move:

(i) Page 2—

for lines 9 to 13 *substitute*:

"(3) This Law shall only apply to cases in which the possession referred to in Section 3 of the Act has been transferred after the passing of this Act."

(2) Page 2—

for lines 9 to 13 *substitute*:

"(3) This Act shall not apply to cases in which the possession referred to in Section 3 of the Act has been transferred to the accused before the passing of this Act."

When I spoke at the consideration stage, I submitted for your consideration that according to article 20 of the Constitution, a person cannot be punished for an offence which did not exist at the time of the offence was committed. The law in force at the time when the offence was committed is the only law which can be applicable to such a case, and similarly, in regard to punishment, the law is the same.

Article 20 of the Constitution runs thus:

"No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence, nor be subjected to a penalty greater than that which might have been inflicted under the law in force at

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the time of the commission of the offence."

In clause 3 of the Bill, the words are again very wide.

"If any person is found, or is proved to have been, in possession of any article of railway stores reasonably suspected of being stolen or unlawfully obtained and cannot account satisfactorily....."

My humble submission is that if 'A' was in possession some, say, four years back of such property as described here, and then he transferred the possession to 'B', say three years before this.. .....

Mr. Chairman: Simply for the sake of information, could I know whether this point was also raised during the debates in the Select Committee?

Pandit Thakur Das Bhargava: I do not remember.

And similarly, supposing B who came into possession at the time when this law was not in force transferred it after this law came into force, may I enquire whether all the three will be guilty or not? Because, it is proved to have been in possession of certain persons many years before. And what will be the punishment given to them? Are they liable to be given five years? The man who is found recently after passing this Act may or may not be liable for five years because he proves it was transferred to him before this Act came into force. I am very doubtful if, as a matter of fact, this law can be applied to him, and the distinction will not be made by the courts. I am therefore anxious that this House should give direction to the courts that this will only apply to cases where offences have been committed after the passing of this Act.

My friend has been pleased to say that this may apply to the thief as against a person who is in possession of the property. It is quite true. If the thief is also found to be in possession of the property, he may be proceeded against. But, at the same time, this is a law for possession. He will not be punished for theft. And I do not know why the hon. Minister has got a soft heart for the thief. While he wants to punish the man in possession for five years, he only punishes the thief for three years. He wants to be content with that. What is the position of the law with regard to the persons who have got possession of supposed stolen property? He has not fully realised the implication of what we are doing. In fact we have changed the law. I have not put in any amendments which have not made the law stricter against the accused. As a matter of fact, my hon. friend does not realise that now the courts have got no discretion whatsoever in the matter. They must make a presumption against the accused if it is found that he was in possession. Previously, under the Evidence Act, they had a discretion. Now, that discretion has been taken away. My hon. friend is not satisfied with it, it appears. So far as the accused is concerned, he says he does not understand how the law has been made tighter against him. The words are "cannot account satisfactorily". The word "satisfactorily" has got some meaning. If it has no meaning, why did you put it there? It means the burden is greater on the accused than before.

In all such cases, as you know, so far as the law is concerned, even when the burden is on the accused, the accused need not prove the fact that he alleges. He has only to raise an alternative theory. It may or may not be true. Yet, it must be a theory which may be acceptable to the court though it may not be true. This is the law. If you want an authority, I can off-hand quote one—56 Indian Cases 849. The burden is always on the prosecution. The accused has only to create a doubt. Therefore, by the

word "satisfactorily" being there, he must understand that the burden is much greater now on the accused than before. I would not have raised this point here because we do not want any person who has really committed a crime to escape scot-free. Therefore, I am submitting only that so far as the law is concerned, he should not think that even those persons who do not come within the scope of this law under article 20 can also be enmeshed.

I would therefore request him to accept the amendment.

Mr. Chairman: I would also request the hon. Minister just to tell us whether his attention has been drawn to this article 20. If the offence was committed at a time when the law was not in force, would the courts be able to try the offenders?

Shri Alagesan: The only answer I can give to that is that all law is subject to the Constitution. I do not think any law that this House passes can bypass the Constitution.

Mr. Chairman: That is correct. But here, there is article 20 which says:

> "No person shall be convicted of any offence except for violation of a law in force at the time of the commission of the act charged as an offence....."

By this clause it is intended to punish those persons also who have already committed that offence before this law came into force. This was not in force when a particular offence was committed earlier. When you want to try that under this law, would it not be against the provisions of the Constitution?

Shri Barman: (North Bengal—Reserved—Sch. Castes): May I submit that so far as the offence of theft is concerned, that is not being superseded by this legislation, as regards railway property. So, if nobody has committed any theft so far as railway property is concerned, then the person concerned will be convicted under the ordinary law. So far as this legislation is concerned, it will be an offence only from the date of passing of this Bill.

Pandit Thakur Das Bhargava: We are not concerned with theft at all.

Mr. Chairman: That is exactly what he wants.

Shri Barman: That need not be put in the statute-book.

Shri Rane (Bhusaval): This Bill cannot have any restrospective effect.

Pandit Thakur Das Bhargava: This is all that I want.

Dr. Krishnaswami (Kancheepuram): It looks as though it has.

Shri Mulchand Dube: The offence consists in the person being found in possession.

Mr. Chairman: Has the hon. Minister anything more to say?

Shri Alagesan: The court will interpret clause 3 in the light of article 20 of the Constitution.

Mr. Chairman: I shall now put amendments 15 and 16 to vote.

Pandit Thakur Das Bhargava: May I submit that amendment No. 16 is an alternative to amendment No. 15? If amendment No. 15 is not accepted, then amendment No. 16 is to be accepted.

Mr. Chairman: In that case, I shall put them seperately.

The question is:

Page 2—

for lines 9 to 13 *substitute*:

> "(3) This Law shall only apply to cases in which the possession referred to in Section 3 of the Act has been transferred after the passing of this Act."

The motion was negatived.

Mr. Chairman: The question is:

Page 2—

for lines 9 to 13 *substitute*:

"(3) This Act shall not apply to cases in which the possession referred to in Section 3 of the Act has been transferred to the accused before the passing of this Act."

The motion was negatived.

Mr. Chairman: The question is:

"That clause 4 stand part of the Bill".

The motion was adopted.

Clause 4 was added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Shri Alagesan: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

Mr. Chairman: We shall now take up the next item.

Dr. Krishnaswami: We shall take it up tomorrow.

Mr. Chairman: The hon. Minister is here, and there are still ten minutes left. So, I think we can proceed with the next item.

Shri N. R. Muniswamy (Wandiwash): If he starts his speech today, it will be left incomplete.

Dr. Krishnaswami: We can take it up tomorrow, when we are fresh.

Mr. Chairman: If this is the general opinion of the House, then I have no objection. The House stands adjourned till 11 A.M. tomorrow.

4-52 P.M.

The Lok Sabha then adjourned till Eleven of the Clock on Friday the 2nd December, 1955.

COLUMN

PAPERS LAID ON THE TABLE. 903-06, 907

(1) (a) Report (1955) of the Tariff Commission on the Piston-Assembly (Pistons, Piston Rings and Gudgeon Pins) Industry;

(b) Ministry of Commerce and Industry Resolution No. 79 (1)TB/55, dated the 23rd November, 1955;

(c) Ministry of Commerce and Industry Notification No. 79 (1)TB/55, dated the 23rd November, 1955; and

(d) Statement under proviso to section 16(2) of the Tariff Commission Act, 1951, explaining the reasons why the documents referred to at (a) to (c) above could not be laid within the prescribed period.

(2) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Automobile Sparking Plug Industry;

(b) Ministry of Commerce and Industry Resolution No. 21(5)TB/55, dated the 30th November, 1955; and

(c) Ministry of Commerce and Industry Notificaton 21(5)TB/55, dated the 30th November, 1955.

(3) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Steel Baling Hoops Industry;

(b) Ministry of Commerce and Industry Resolution No. 17(2) TB/55, dated the 30th November, 1955; and

(c) Ministry of Commerce and Industry Notification No. 17 (2)TB/55, dated the 30th November, 1955.

COLUMN

(4) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Motor Vehicle Battery Industry; and

(b) Ministry of Commerce and Industry Resolution No 5(1) TB/55, dated the 30th November, 1955.

(5) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Alloy, Tool and Special Steels Industry; and

(b) Ministry of Commerce and Industry Resolution No. 17(4)TB/55, dated the 30th November, 1955.

(6) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Coated Abrasives Industry; and

(b) Ministry of Commerce and Industry Resolution No. 1(1)TB/55, dated the 30th November, 1955.

(7) (a) Report (1955) of the Tariff Commission on the continuance of protection to the Aluminium Industry; and

(b) Ministry of Commerce and Industry Resolution No. 3(3)TB/55, dated the 30th November, 1955.

(8) A copy of the Third Annual Report of the Sindri Fertilizers and Chemicals Limited, 1954-55.

(9) A copy of the Report of the Indian Government Delegation to the Thirty-eighth Session of the International Labour Conference held at Geneva in June 1955.

(10) A copy of the statement giving reasons for promulgation of the Insurance (Amendment) Ordinance, 1955 (6) of 1955).

BILL INTRODUCED. 906-07

Insurance (Amendment) Bill.

BILLS PASSED. 912—1030

(1) Manipur (Courts) Bill was further considered, Motion to consider was adopted, clauses 2 to 41 were adopted. New clause 41 A renumbered as 42 was adopted. Clauses 42 to 45 renumbered as clauses 43 to 46 and clause 1 were adopted. The Bill was passed, as amended. 912—29

(2) Railway Stores (Unlawful Possession) Bill, passed by Rajya Sabha and as reported by the Select Committee, was considered. Motion to consider was adopted Clauses 1 to 4 were adopted. The Bill was passed. 929—1030